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RAJASTHAN RULES COMPENDIUM

(IN 16 VOLUMES)
(1949 TO 1967)

By
VYAS & BAFNA

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LAND SPECIAL IRRIGATION CHARGES ACT, 1953.

THE RAJASTHAN (25 OF 1953).

Rajasthan Lands Special Irrigation Charges Rules, 1954.

PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH,
NOTIFICATION

Jaipur, September 7, 1954.

No. F. 2 (108) I.R.G./52.—In exercise of the powers conferred by section 15 of the Rajasthan Lands Special Irrigation Charges Act, 1953, the Government of Rajasthan is pleased to make the following Rules.

By Order of,
His Highness the Rajpramukh,
B. S. RANAWAT,
Secretary to the Government.

Rules

1. *Short title.*—These Rules may be called the Rajasthan Lands Special Irrigation Charges Rules, 1954.

Notes

Section 15 of the Rajasthan Lands Special Irrigation Charges Act, 1953 authorises the State Government to make rules for carrying out the purposes of the Act. Without prejudice to the generality of this power, Sub-section (2) of section 15 of the Act requires the State Government to make rules so as to provide for all or any of the following matters, namely—

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which notice under this Act or the schedules of special irrigation charges shall be published,
- (b) the manner in which valuation may be made of any lands for the purpose of sub-section (7) of section 5 and for determining their increase in value,
- (c) the manner in which rates of special irrigation charges shall be calculated with reference to any lands or class of lands in an irrigation scheme,
- (d) the time when, and the manner and form in which, demand statements in respect of special irrigation charges levied under this Act shall be prepared.
- (e) the form in which notices of demand in respect of special irrigation charges levied under this Act may be prepared under this Act and the manner of their service,
- (f) the time within which objections may be preferred from notices of demand, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom,
- (g) the time within which special irrigation charges shall be payable after the notice of demand and the manner in which such charges may be realized,
- (h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments,
- (i) the conditions subject to which any landholder may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him,
- (j) the manner in which special irrigation charges may be apportioned between landholders and occupancy tenants,
- (k) the manner in which and the conditions subject to which, any officer shall exercise his powers under this Act, and
- (l) any other matter requiring to be prescribed under this Act.

These rules have been first published in Raj. Raj-patra dated September 31, 1955 in Part IV (c) at page 410.

2. *Definitions.*—In these Rules:—

(a) "The Act" means the Rajasthan Lands Special Irrigation Charges Act, 1953;

(b) "Perennial Irrigation" means Canal Irrigation that will be available throughout the year;

(c) "Restricted Perennial Irrigation" means canal irrigation that will be available throughout the year except during the months of July and August;

(d) "Kharif Irrigation" means canal Irrigation available during the months April to September, (both inclusive);

(e) "Rabi Irrigation" means canal irrigation available during the months October to March, (both inclusive);

(f) "Included Lands" means such lands for which canal water has been provided in a duly sanctioned chakbandi under any irrigation scheme coming within the purview of this Act, any areas subsequently incorporated in the scheme shall also be considered "included lands" for the purposes of the Act;

(g) Board means a Board of—

(a) One or more revenue officers not below the rank of a Collector or a Settlement Officer or a Colonization Officer; and

(b) One or more officers of the Irrigation Department not below the rank an Executive Engineer, as may be constituted by the Government, for the appraisement of the enhancement in the value of the land included in an irrigation scheme for the purpose of betterment charges.

Notes.

Sub-rule (g) of rule 2 has been substituted in place of original one amending Notification No. F. 9 (10) Irg./56 dated 12/5/58, published in Rajasthan Rajpatra, part IV (c) dated 5/6/58. The original sub-rule (g) is reproduced below:—

(g) "Board" means a Committee of a revenue officer of the rank of a Collector and a canal officer of the rank of a Divisional Canal Officer appointed by Government for appraisement of the enhancement in the value of lands included in an irrigation scheme for the purpose of levy of Betterment Charges.

Present clause (g) stands newly substituted for the previous one vide Irrigation Department Notification No. F. 9 (10) Irg./56 dated February 26, 1959, published in Rajasthan Rajpatra dated April 16, 1959.

Previously clause (g), from time to time, stood as under:—

(g) Board means a Board of—

(a) one or more revenue officers not below the rank of a Collector or a Settlement Officer, and

(b) one Executive Engineer, Irrigation appointed by the Government for appraisement of the enhancement in value of the lands included in an irrigation scheme for the purpose of levy of betterment charges.

(h) "Chief Engineer" means Chief Engineer Incharge of the scheme under which betterment charges are levied;

(i) "Net assets" of an estate or group of estates means the estimated average annual surplus produce or such estate or group of estates remaining after deduction of the ordinary expenses of cultivation as ascertained or estimated;

Explanation.—Ordinary expenses of cultivation include payments, if any, which the landowner customarily bears whether in kind or in cash either in whole or in part in respect of—

- (1) land revenue and water rates,
- (2) maintenance of means of irrigation,
- (3) maintenance of embankments,
- (4) supply of seeds,
- (5) supply of manure,
- (6) improved implements of husbandry,
- (7) concessions with regard to fodder,
- (8) special abatements made for fallows or bad harvests,
- (9) cost of collection of rent,
- (10) allowance for shortage in collection of rent, and
- (11) interest charges payable in respect of advances made in cash, free of interest, to tenants for the purposes of cultivation and harvesting.

(j) Any other expression which is used in these Rules and is not defined in the Rajasthan Lands Special Irrigation Charges Act, 1953, or the Rules thereunder shall have the same meaning as is assigned to it in the Rajasthan Irrigation and Drainage Act, 1954 or any subsequent amendment thereof.

Section 4.

Notes

Section 4 of the Act reads as under:—

(1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely:—

- (a) rectangulation, sub rectangulation or killabandi (that is to say, sub-division of land into one acre fields);
- (b) level, topographical or soil surveys;
- (c) construction of water courses;
- (d) construction of village roads and works appertaining thereto;

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under sub section (1) shall be published in the Rajasthan Gazette and in such other manner as may be prescribed.

(3) Any landholder or occupany tenant who may be affected by the proposed acreage rates may, within sixty days from the date of the publication of the schedule in the Rajasthan Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the Rajasthan Gazette and in such other manner as may be prescribed.

The rules 3 and 4 provide for the matters which are required to be prescribed by section 4 of the Act.

3. *Mode of publication.*—(1) Any proposal by Government to levy of Betterment Charges or acreage rate on lands included in

any irrigation scheme or any other matter requiring publicity under this Act, shall be published in the Rajasthan Gazette and certified copies thereof shall be posted:—

(a) at the offices of the Collector and Divisional Canal Officer concerned;

(b) at conspicuous places in the locality affected such as Tehsil and Thanas, etc., situated in such locality;

(2). Such proposal or matter also be published by beat of drum or oral proclamation or other customary methods.

4. *Procedure for working out acreage rates.*—The acreage rate will be worked out by the Divisional Canal Officer on the basis of estimated cost of one or more works or measures mentioned in section 4 of the Act after consulting, where necessary, the Revenue Officer of the District concerned. The Divisional Canal Officer will then submit his proposals to the Chief Engineer Incharge of the Scheme who will after his scrutiny get the draft schedule prepared as contemplated in section 4 of the Act and obtain the approval of Government thereto.

Section 5.

Notes

Section 5 of the Act provides that,

(1) The Government may levy betterment charges in respect of the lands, which are included or are likely to be included in an irrigation scheme, by notifying in the Rajasthan Gazette and in such other manner as may be prescribed its intention so to do, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed.

(2) At any time after the expiry of one month from the date of the notification referred to in sub-section (1), the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landholders and occupancy tenants thereof and the proportions in which the charges shall be so payable.

(3) In preparing a schedule under sub-section (2) for the levy of betterment charges in respect of any irrigation scheme regard shall be had to the following, namely:—

(a) the type of irrigation,

(b) the improvement in irrigation,

(c) the extent of betterment accruing to the lands.

(4) A draft of the schedule prepared under sub-section (2) shall be published in the Rajasthan Gazette and in such other manner as may be prescribed.

(5) Any landholder or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the Rajasthan Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(6) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the Rajasthan Gazette, and in such other manner as may be prescribed.

(7) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with the irrigation scheme as the Government may, by notification in the Rajasthan Gazette, fix in this behalf and their estimated value with reference to such other date after such commencement as the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(8) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landholders or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation.

(9) Whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landholders or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

The rules 5 to 9A put into effect requirements of section 3 of the Act.

5. *Procedure for working out betterment charges.*—(1) The entire area included in an irrigation scheme shall be divided by a duly constituted Board into blocks or assessment circles, so as to have more or less uniform physical characteristics of soil in each circle as per classification in the last settlement, duly amended by latest jamabandi for the area under consideration.

(2) The Board shall work out for each class of land in an assessment circle, an estimate of net assets in cash for a date prior to the commencement of the scheme notified by the Government under sub-section (7) of section 5.

(3) The share of the landholder in the net assets will be taken as 1/3rd of the total net assets for purposes of evaluating the cost of land.

(4) Similarly the Board shall estimate the share of the net assets of landholder for the classes of land mentioned in sub-rule (.)

on a subsequent date as published in the Rajasthan Gazette under sub-section (7) of section 5 of the Act when these classes of land are changed to Nehri as a result of the irrigation scheme.

(5) The value of land of a landholder or an occupancy tenant will be taken as 30 times the value of his share of the net assets.

(6) The difference in value of each class of land in an assessment Circle on dates prior to and subsequent to the introduction of the scheme, taking the share of a landholder or an occupancy tenant at one-third of the divisible produce, will be considered as enhancement in the value of such land resulting from introduction of improvement in irrigation facilities.

(7) The rate of betterment charges will be as fixed by the Government but shall not exceed half of the enhancement in the value of land as determined under sub-rules (5) and (6).

(8) The Betterment Charges will be calculated with reference to classes of lands recorded in the last settlement or jamabandi or the latest revenue record available and also with reference to different types of irrigation facilities provided for any particular types of land.

(9) In cases where canal irrigation facilities are made available to Chahi areas and where actual value of such lands is not likely to increase, the calculation of betterment charges will take into account the reduction in the cost of the working of wells and their maintenance.

(10) In cases where reliable date of Post and Preprojects periods is not available, or where the working out of the net assets causes any complication the betterment charges will be worked out on the basis of one sixth share of the gross produce, as indicated by the average rates of the wet and dry soils of the commanded area. In this case also the rate of betterment charges shall not

exceed fifteen times the difference between the wet and dry rates for the dry area and will be worked out on the formula:—

$$(X-Y) \div 15 + Z$$

Where:—X—represents the average of the wet rent rates of the culturable commanded area of the projects.

Y—represents the average of the dry rent rates of the culturable commanded area (both cultivated and uncultivated) under the Project.

Z—represents the intensity of the project.

(11) In cases where canal irrigation facilities have been given to chahi areas and the betterment charges have to be levied chiefly on account of the saving in the cost of the working the wells, and their maintenance the multiple '15' in the formula referred to in rule (10) above will be replaced by multiple '5' only and betterment charges worked out accordingly.

(12) In cases where new canal irrigating facilities have been made available to the area which is already Nehri or Talabi of some other old tanks, the Board will decide the matter on individual merits after examining the extent of benefit, if any, that may have actually accrued to such areas.

(13) In making assessments under sub-rules (10) and (11) of Rule (5) the Board will have the powers to round off minor differences, if any, in the various areas to bring about uniformity and equity in the assessment of the areas of more or less similar nature.

Notes.

Clauses 10, 11, 12 and 13' to rule 5 stand newly added vide Notification No. D. 3979 F. 9 (11) Irg./57 dated August 4, 1959, published in Rajasthan Raj-patra, part IV (c) dated September 10, 1959.

6. *Preparation of Draft Schedule.*—The Board shall prepare in accordance with rule 5 a draft schedule of betterment charges which will show—

(i) The duties adopted by the Board for evaluating lands before and after the commencement of the scheme, and

(ii) the rates per acre payable as Betterment Charges for each class of land when converted from existing class to Nehri in an assessment circle—

(a) When paid in one instalment, or

(b) When paid by instalments as prescribed, and

(c) the maximum number of instalments allowed for payment.

7. *Publication of draft schedule of betterment charges and acreage rates.*—A draft of the schedule of acreage rates or betterment charges prepared in accordance with the Act and these rules shall be published in the specified manner in Rule 3.

8. *Disposal of objections to schedule of betterment charges*—

(1) Applications under sub-section (3) of section 4, and sub-section (5) of section 5 of the Act shall be considered by the Board which will submit its report thereon to the Chief Engineer within 60 days of the last date fixed for presenting such applications proposing such amendments in the Schedule as may be considered necessary.

(2) No such application shall be entertained or considered, if it is made after the expiry of the time limit specified in sub-section (3) of section 5, as the case may be and in case of any land changing ownership after the date of publication of the draft schedule for acreage rate or betterment charges as the case may be, no person shall be entitled to raise any fresh objections to the schedule on the ground that the ownership of the land was transferred after the publication of the draft schedule or that he had since the date of such change of ownership had less than 60 days for making such an application.

Notes.

Sub-section (3) of section 4 and sub-section (5) of section 5 permit the affected persons to present objection petitions in respect of proposed acreage rates and betterment charges. This rule prescribes the procedure for disposal of such objections.

9. *Publication of Final Schedule for Betterment Charges.*—

(1) After considering the recommendations of the Board made under Rule 8, the Chief Engineer will prepare the final Schedule of Betterment charges and submit the same for the sanction of the Government.

(2) The Final Schedule determined and sanctioned by the Government shall then be published in the manner laid down in Rule 3.

9-A. *Procedure where Lift Irrigation converted into Gravity Flow Irrigation.*—If lift irrigation facilities are converted into gravity flow irrigation on a date subsequent to the introduction of the irrigation facilities originally provided but before the full betterment fees have been recovered, the assessee shall be required to pay the higher rate of betterment charges from the date the said improvement is effected, the number of instalments for payment remaining the same.

10. *Distribution of demand slips.*—As soon as the demand statements in respect of betterment charges or acreage rates for any village are completed, the copies of demand slips meant for assesseees will be sent to the Patwari who will distribute them amongst assesseees or failing them their recognised agents or an adult male member of the family of an assessee within 5 days of receipt. The acknowledgements of assesseees for demand slips shall be submitted by the Patwari to the Divisional Canal Officer under a registered post or through the Tehsildar concerned within 10 days of their receipt.

11. *Submission of Demand Statement to Tehsils.*—One copy of Demand Statement for each village shall be sent to the Tehsil concerned on the dates fixed by Government for despatch of Demand Statements for Occupiers rates.

12. *Objections by Assesseees to demand and their disposal.*—(1) Any assessee may, if he desires, present his objections to the demand within 21 days of the date of receipt of demand slip by him or if the demand slip has been proved not to have been delivered to him or his representative to the satisfaction of the Divisional Canal Officer, within 10 days of the date on which he became first acquainted with the claim against him.

The orders of the Divisional Canal Officer on such objection will be appealable to the Commissioner within 30 days of the date of such orders.

(2) Objection to the demand at the time of collection urged before the Collector shall be referred by him to the Divisional Canal Officer, the collection not being suspended except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him.

Notes

The rules 10, 11 and 12 are meant to carry out the purposes of section 7 of the Act which reads as under:—

(1) When the schedule of acreage rates or betterment charges has been published in the Rajasthan Gazette under sub-section (4) of section 4 or sub-section (6) of section 5 the Canal Officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each land-holder or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landholder or occupancy tenant may, within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal Officer objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

13. *Procedure of Recoveries.*—Any amount due from an assessee under a notice of demand for betterment charges or acreage rates shall be payable on demand. The procedure for recovery will be the same as followed in the case of recovery of land revenue.

14. *Option of Assessee for mode of payment.*—On publication of the final schedule or betterment charges or acreage rates under the Act, the Divisional Canal Officer shall publish a notice in the villages effected thereby that the landholder or occupancy tenant should intimate to him through an application in writing, within 30 days of the notice, his choice with regard to payment in the area held or occupied by him. The notice will state that the choice is to be exercised between:—

- (a) one lump sum payment;
- (b) by half-yearly instalments spread over a number of years as decided by Government; and
- (c) offering a part of his land in lieu of full or part payment of betterment charges due from him.

If no intimation is received by the Divisional Canal Officer from any landholder or occupancy tenant within the prescribed period the recoveries will be made from him on instalment basis.

15. *Assessee can alter his option, subsequently.*—The landholder or occupancy tenant will have the option, after payment of first or any subsequent instalment, to pay the balance in one lump-sum according to the amount given in the schedule of acreage rates or betterment charges for that area.

16. *Rate of interest on instalments.*—In computing the amount of each instalment simple interest @ $4\frac{1}{2}\%$ per annum shall be added.

17. *Conditions for surrender of land in lieu of betterment charges.*—The Surrender of land by any assessee in lieu of full or part payment of betterment charges shall be accepted only if:—

- (a) the area to be surrendered is free from all encumbrances.
- (b) it does not reduce the holding of the assessee to less than 20 acres of land; and
- (c) the area to be surrendered is in a compact block of not less than 5 acres.

18. *Evaluation of land offered for surrender in lieu of betterment charges.*—In case surrender of land in lieu of betterment charges has been accepted by the Divisional Canal Officer after due

investigation, he will evaluate the area surrendered at the rate fixed by the Board for such class of land with reference to the date subsequent to the completion of the Irrigation scheme. The decision of the Divisional Canal Officer shall be subject to the final approval of the Chief Engineer.

19. *Disposal of lands surrendered.*—(1) The land surrendered by an assessee in lieu of betterment charges shall be disposed of in such manner as the Government may from time to time decide, and the cost thereof at the rate at which it was surrendered by the original holder shall be credited to the irrigation scheme concerned as if it were betterment charges.

(2) No betterment charges will be leviable on such lands as are disposed of by the Government under this Rule. Betterment Charges shall however be levied if the land is let out for cultivation and is not sold by the Government.

Notes

Section 8 of the Act, reading as under deals with the mode of recovery of the special irrigation charges. Rules 13 to 19 prescribe the matters as required under section 8 of the Act.

(1) The special irrigation charges may be paid in one or more instalments as may be prescribed:

Provided that where the special irrigation charges are allowed to be paid in instalments interest shall be payable in respect of such instalments at such rate as may be prescribed and such interest shall be recovered in the same manner as the special irrigation charges.

(2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landholder to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

20. *Apportionment of dues between landholder and occupancy tenants.*—The apportionment of special irrigation charges between the landholder and the occupancy tenants will be carried out by the Collector concerned, in accordance with their existing rights as stated in Revenue records.

Notes

Section 10 of the Act provides that the special irrigation Charges shall be recoverable from the land holders and occupancy tenants concerned in such manner as may be prescribed. This rule prescribes the manner of apportionment.

21. *Rules regulating the service of summons and notices etc.*—

(1) Every summons, notice, order or requisition which, under the Act or these Rules is required to be served on, or issued, delivered or communicated to any person, shall be so served, issued, delivered or communicated (as the case may be) as hereinafter provided.

(2) Every such summons, notice, order or requisition shall be drawn up in writing and dated, signed and sealed by the officer having authority to issue or make the same.

(3) Every summons, notice, order or requisition which is required to be served on or delivered or communicated to any person shall whenever possible, be so served, delivered or communicated—

(a) Personally on or to the person to whom it is addressed; or

(b) if such personal service, delivery or communication is on or to his recognised agent; or

(c) if there is no such agent or an adult male member of the family of the person to whom it is addressed and who usually resides with him.

(4) If service, delivery or communication cannot be so effected, or if acceptance is refused, the summons, notice, order or requisition may be served, delivered or communicated by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that cannot be done, then in such other manner as the officer having authority to issue or make the same may direct.

(5) If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable it may be served delivered or communicated by delivery of a copy thereof to such of those persons as the officer having authority to issue or make the same specially nominates in this behalf, and by proclamation of the contents thereof for the information of the other persons interested.

(6) A summons, notice, order or requisition may be served on or delivered or communicated to the person named therein either in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order, or requisition by post in a registered letter addressed to that person.

(7) When a summons, notice, order or requisition is so forwarded and it is proved that the letter was properly addressed and duly posted and registered, the officer having authority to issue or make the same may presume that it was served delivered or communicated at the time when the letter would be delivered in the ordinary course of post.

22. *Intimation of Mutations.*—If ownership of land subject to special irrigation charges is transferred at any stage, the liability in respect of the unpaid instalments of such charges will also be transferred to the vendee. The vendor shall continue to be liable for payments of such charges till he intimates to the Divisional Canal Officer the change in ownership or property by sending to him a duly certified copy of the relevant transfer deed.

23. *Method of dealing with alteration in demand.*—If after delivery of the demand slips to the assessee any addition is made to the demand, or any remission is allowed on any account admissible under the Act or these rules such addition or remission shall be communicated to the landholder or occupancy tenant, as the case may be, by means of supplementary demand slips. Original demands shall be shown in black ink and additions or remissions in red. All such alterations as are made before the despatch of the demand

Statements to the Collector shall be included in that statement and shall also be included in that statement and shall also be written on slips similarly printed and attached to the Demand Statement. Alterations made after the despatch of the Demand Statement shall be communicated to the Collector in a supplementary consolidated statement. Any addition or remission allowed thereafter shall be similarly incorporated in the Demand Statement for the succeeding harvest. Due intimation will be given about additions and remissions to assesseees concerned by issue of supplementary demand slips in the manner prescribed in the Rule 10.

24. *Demand for betterment charges and acreage rates not to be lapse.*—The dues on account of betterment charges or acreage rates shall not lapse on account of their not having been demanded within a certain period.

25. *Irrecoverable Balances.*—When any balance are found to be irrecoverable owing to want of assets, absconding of defaulters or any other cause, they shall, be reported by the Collector to the Commissioner who will deal with each case according to the orders of the Government.

26. *Date of commencement of betterment charges and acreage rates.*—(1) Recoveries of betterment charges or acreage rates shall commence at least one year after providing the facilities for irrigation, the date for which will be determined by Divisional Canal Officer.

(2) Such dates shall be published by the Notice in the villages concerned, and copy thereof shall be sent to the Collector and the Chief Engineer.

27. *Receipts for collections.*—Receipts shall be invariably be given by the person making the collection to each landholder or occupancy tenant, on payment of betterment charges or acreage rates on a prescribed printed form.

28. *Unit of area for calculation of betterment charges and acreage rates.*—(1) For purposes of calculating acreage rates fraction of less than half acre shall be ignored and areas of more than half and less than one acre shall be counted as one acre.

(2) For calculating the betterment charges, the exact area shall be the basis of charges.

29. *Demand Statement to be accessible to Assesseees.*—The Patwari shall be responsible that the village copy of the Demand Statements is at all times accessible to any person who is liable to pay betterment charges or acreage rates.

Notifications under

**RAJASTHAN LANDS SPECIAL IRRIGATION CHARGES
RULES, 1954.**

Published in Raj. Raj-patra Dated December 18, 1954 part I (b) at page 598:

Jaipur, December 10, 1954.

No. F. 3 (12) P W/53.—In exercise of the powers conferred under section 5 of the Rajasthan Lands Special Irrigation Charges Act, 1953, published in part IV, under notification No. F. 12 (19) L/53, dated the December 24, 1953, in the Rajasthan Gazette of January 2, 1954 and rules framed thereunder and published under Public Works Department Notification No. F. 2 (18) IRG/52, dated September 7, 1954, in the Rajasthan Gazette, September 25, 1954, the Government has been pleased to order that the Betterment charges shall be levied on all Irrigation Works having a culturable commanded area of over 1000 acres. The realisation of these charges will commence from the date one year after the water is released for irrigation purposes.

By Order of
His Highness the Rajpramukh
B. S. RANAWAT,
Secretary to the Government.

Published in Raj. Raj-patra Dated January 2, 1958 part I (b) at page 965:

Jaipur, December 19, 1957.

No. F. 9 (2) Irg/56.—As required under sub-section (7) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Act No. XXV of 1953), it is hereby notified for general information that 15th June, 1946 will be treated as the date prior to the commencement of work on Bhakra Project and 15th June, 1956 as the date after the commencement of the Project for the purposes of the aforesaid section.

By Order,
BALWANT SINGH,
Secretary to the Government.

Published in Raj. Raj-patra Dated December 13, 1958 part IV(c) at page 143-145

**Irrigation Department
NOTIFICATION**

Jaipur, December 11, 1958.

No. F. 9 (2) Irg/57.—In pursuance of sub-section (6) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with Rule 9 of the Rajasthan Land Special Irrigation Charges Rules, 1954, Govern-

ment of Rajasthan does hereby determine, sanction and publish the following Final Schedule of betterment Charges in respect of lands in the following villages, irrigated by the Sadul and Karni-singh Branches of the Bhakra Canal, included in the Utrada and Dhikanada circles of Tehsil Ganganagar, and Circle I of Tehsil Hanumangarh, namely:—

The Final Schedule

S. No.	Name of District.	Name of Tehsil,	Name of assessment circle	Number of villages	Class of soil.	Charges if paid in lump sum.	Charges, if paid in instalments		
							Charges.	Maximum number of instalments.	Minimum amount of an instalment.
1	Ganganagar	Ganganagar.	Utradha Circle.	20	Barani	Rs. 208/- per acre	Rs. 264/- per acre	24	Rs.11/- per acre.
2	"	"	Dikhanaadha Circle	4	"	"	"	"	"
3	"	Hanumangarh	Assessment Circle I	47	"	"	"	"	"

1. The charges hereinabove provided shall commence from the Rabi crop of the year of 1958-59.

2. During the non-perennial stage of the Canal, the above instalments shall be payable only annually. When the canal becomes perennial, instalments shall be payable half yearly i.e., one instalment in each crop.

3. The names of villages on which the aforesaid betterment charges shall be recovered according to the above Scheduled are—

- (1) 20 villages of Utradha and 4 villages of Dhikanadha circles of Tehsils Ganganagar viz., Banwali, Budharwali, Chak Bhagsar, Bhagsar, Chak Dularasar, Chak Fatehsinghwala, Chak Kikarwali, Daliawali, Dulrasar, Dudakichar, Fatehsinghwala, Hakimabad, Lalgah, Shamsinghwala, Jamiat Singhwala, Chakkerra, Mamarkhera, Panniwali, Rotanwali, Sardarpura, Dungarsinghpura, Ganeshgarh, Jogiwali, Takhranwali,

- (2) 47 villages of Assessment Circle No. 1 of Tehsil Hanumangarh viz., Amarpura-Jalu, Amargarh, Indarpura, Indargarh, Kheruwala, Buglanwali, Bolanwali, Bhagatpura, Pratapnagar, Phuldesar, Jandwala-Sikhan, Deengarh, Rampura-Mahla, Gadharkhera, Kararwala, Morjand-Khari, Sangaria, Singhpura, Santpura, Sunderpura, Shahpini, Bhakranwali, Alipura, Kishanpura-Utradha, Morjand Sikman, Naraingarh, Nukera, Nurpura, Haripura, Hathianwala, Harisinghwala, Patili, Pratappura, Takhathazara, Matili-Saran, Chak Dhola, Sohanwala, Khatsajwar, Chamarkhera, Maniwali, Lambidhat, Dhakban, Dholnagar, Rasuvala, Dhingtanian, Nathwala, Matili-Khichran.

By Order of the Governor,
Z. S. JHALA,
Secretary to the Government.

Notifications under

**RAJASTHAN LANDS SPECIAL IRRIGATION
CHARGES RULES, 1954.**

Published in Raj Raj-patra part IV (c) dated November 22, 1962, at page 614 :

Irrigation Department
NOTIFICATION

Jaipur, November 2, 1962.

No. F. 9(7)Irg/58.—In pursuance of clause (g) of rule 2 of the Rajasthan Land Special Irrigation Charges Rules, 1954 and in partial modification of this Department Notification of even number dated the 27th February, 1959 the State Government hereby appoints the Additional Chief Secretary to the Government of Rajasthan by virtue of his office as Chairman of the Betterment Levy Board in place of the Commissioner, Kota Division.

By Order of the Governor,

P. N. BHAL,

Dy. Secretary to the Government.

Notifications under

RAJASTHAN LAND SPECIAL IRRIGATION CHARGES RULES, 1954.

Published in Raj. Raj-patra part IV (c) dated April 16, 1959 at page 62

Jaipur, February 27, 1959.

No. F. 9 (7) Irg/58.—In pursuance of clause (g) of rule 2 of the Rajasthan Lands Special Irrigation Charges rules, 1954, the Government of Rajasthan hereby appoints the following persons by virtue of their office to be the member, of the Board for appraisement of the enhancement in value of the lands included in an, irrigation scheme for the purpose of levy of betterment charges namely:—

- | | |
|--|--------------|
| 1. Commissioner, Kota | Chairman. |
| 2. Superintending Engineer, Canal Circle,
Chambal Project, Kota | member. |
| 3. Director Colonization, Chambal project | -do- |
| 4. Collector, Kota | -do- |
| 5. Collector, Bundi | -do- |
| 6. Settlement Officer, Kota | -do- |

Notifications under

RAJASTHAN LAND SPECIAL IRRIGATION CHARGES ACT, 1953.

Published in Raj. Raj-patra part I (b) dated July 23, 1959 at page 245

Irrigation Department

NOTIFICATION

Jaipur, July 6, 1959.

No. D 2071/F. 14 (I) Irg./59.—As required under sub-section (7) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Act No. XXV of 1953), it is hereby notified for general information that 1st March, 1955 will be treated as the date prior to the commencement of the work in connection with the Namona Canal Project District Udaipur and 20th June, 1958 as the date after such commencement for the purposes of the aforesaid section.

By Order,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra part IV (c) dated May 5, 1960 at page 12

Irrigation Department

NOTIFICATION

Jaipur, March 21, 1960.

No. F. 9 (2) Irg./57.—In pursuance of sub-section (6) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with rule 9 of the Rajasthan Land Special Irrigation Charges Rules, 1954, the Government of Rajasthan does hereby determine, sanction and publish the following Final Schedule of betterment charges in respect of the Lands in the following villages, irrigated by the Sadul branch and khara sub-branch of the Bhakra Canal, included in the assessment circle No. 2 of the Tehsil Hanumangarh, namely:—

THE FINAL SCHEDULE

S. No.	Name of Distt.	Name of Tehsil.	Name of assess-ment circle.	No. of villages.	Class of soil.	Charges if paid in lump sum.
1	Ganga-nagar.	Hanumangarh	Circle No. 2	36	Barani	Rs. 208/- per acre
Charges if paid in instalments.						
Charges		Maximum No. of instalments.		Minimum Amount of instalment		
Rs. 264/- per acre.		24		Rs. per acre.		

I. The above instalments will be recovered annually till the canal runs non-perennial and half-yearly after it becomes perennial.

2. The recovery of instalments shall commence from the Rabi Crop of the year 1958-59.

3. The names of villages in which the aforesaid betterment charges shall be recovered according to the above schedule are:—

Villages of Tehsil Hanumangarh assessment Circle No. 2. viz., Ratanpura, Padampura, Nagrana, Dholipal, Bbrampura, Bodla, Lalpura, Kilawali, Manuka, Kikarwali, Rorawali, Jonkiyan, Lila-wali, Nawa, Chandra, Manaksar, Shergarh, Fetehpur Rohi, Chhapa-wali, Banwali, Paoa Sarnan, Makasar Barani, Khunja Barani, Paoa Bhadawan, Jandwali, Kutab Barani, Midha Rohi, Dabli Bas Kerim, Dabli Bas Sardar, Dabli Bas Pema Rohi, Dabli Bas Chaina, Dabli Bas Chugta, Dabli Bas Fateh Mohd., Pati Rahman, Hiranwali, Chistiyan, Dabli Bas Fateh Mohd., Pati Sohana and Uttam Singh Wala.

By Order of the Governor,
GOVERDHAN SINGH,
Secretary to the Government.

Published in Raj. Raj-patra part IV (c) at page 31-32

NOTIFICATION

Jaipur, July 7, 1960.

No. D. 6546/F. 9 (2) *Irg/57*:—In pursuance of sub-section (6) of section 5 of the Rajasthan Lands Special Irrigation Charges Act 1953 (Rajasthan Act XXV of 1953), read with rule 9 of the Rajasthan Land Special Irrigation charges Rule, 1954, the Government of Rajasthan does hereby determine, sanction and publish the following Final Schedule of Betterment charges in respect of the lands in the following villages irrigated by the Ghaggar Sub-Branch and Khara Sub-Branch of the Bhakra Canal, included in the assessment circles No. 3, 5&6 of Tehsil Hanumangarh, namely:—

Assessment circle No. 3:—1. Jhamber Brani. 2. Bas Nahar-Singhwala 3. Ramsara Sarain 4. Karnisar 5. Bahlolgar 6. Sahiji-pura 7. Arayainwali 8. Fatehgarh 9. Kishanpura Dikhnada 10. Kohla 11. Gurusar 12. Munda.

Assessment Circle No. 5:—1. Gudia 2. Malhar Khera. 3. Rapura Bechar 4. Salewala 5. Manak Tibi 6. Khara Khera. 7. Sharni 8. Sabuana 9. Kulchaudhar 10. Gillwala 11. Daulatpura 12. Bashir.

Assessment Circle No. 6:—1. Silwala. 2. Silwala Khurd. 3. Kishanpura Becharage 4. Jalalabad Becharag 5. Rathikhera. 6. Slemgarh 7. Gharoi 8. Mahawala 9. Bervala Kalan 10. Sheo Danpura 11. Padam pura 12. Khinanian.

The final Schedule

Sl. No.	Name of Distt.	Name of Tehsil	Name of Assessment Circle	No. of villages	Class of soil	Charges if paid in lump sum for Area	Charges if paid in instalments			
							Maxi- mum No. of instal- ments	Mini- mum No. of instal- ments	amount of an instal- ment	
1	2	3	4	5	6	7	8	9	10	

1	Ganga- nagar	Hanuman- garh	Circle No. 3	12	Barani.	Rs. 208/per acre	Rs. 264/-acre	24	Rs. 11/-	
2	-do-	-do-	Circle No. 5	12	Barani.	-do-	-do-	-do-	-do-	
3	-do-	-do-	Circle No. 6	12	Barani.	-do-	-do-	-do-	-do-	

Note:—The above instalments will be recovered annually so long as the Canals are non-perennial and half yearly after they become perennial. The recovery will take effect retrospectively i. e. from Rabi 1958-59. But actual collection for the time being will be made in accordance with the Government order No. F. 14 (o)/Irg/59 dated 15/16 January, 1960.

Rajasthan Land Special Irrigation Charges Act, 1953

First Published in Raj. Raj-patra part IV(c) dated February 2, 1961 at page 628-632

Irrigation Department

NOTIFICATIONS

Jaipur, November 7, 1960.

No. F. 14 (25) Irg./60.—In pursuance of sub-section (6) of section 5 of the Rajasthan Lands Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with rule 9 of the Rajasthan Lands Special Irrigation Charges Rules, 1954 the Government of Rajasthan does hereby determine, sanction and publish the following final schedule of betterment charges in respect of the lands in the following villages commanded by the Non-perennial Irrigation Projects, namely Bagolia and Kejar of District Udaipur.

I. Bagolia Non-perennial Irrigation Scheme.

Tehsil Mavli District Udaipur.

Names of villages:—1. Khempur 2. Gandolikhera 3. Gordhanpura 4. Chhipikhera 5. Dagli Khera Urf Fathpura 6. Basni Kalan 7. Basni Khurd 8. Beer Ghas 9. Bhabli 10. Mavli 11. Rahimi 12. Ladana 13. Ladani 14. Lopda 15. Bishanpura 16. Saruppura 17. Salera 18. Nai-ka-Dhana 19. Bor-ka-Kua 20. Marteri.

II. Kejar Non-perennial Irrigation Scheme Tehsil Sarada

District Udaipur.

Name of villages.—1. Kachhota 2. Kejar 3. Thakarda 4. Nee-mach 5, Sagtara.

THE FINAL SCHEDULE

BETTERMENT CHARGES							
Name of District.	Name of Tehsil.	No. of Villages	Class of soil	If paid in lump-sum.	If paid in annual instalments.		
					Charges.	No. of instalments.	Amount of each instalment.
1	2	3	4	5	6	7	8
Udaipur	Mavli	20	Barani & uncultivated lands.	Rs. 46	Rs. 56	10	Rs. nP. 5.60
			Chahi lands.	16	18	3	6.00
-do-	Sarada	5	Barani & Uncultivated lands.	46	56	10	5.60
			Chahi lands.	16	18	3	6.00

The above instalments will be recovered annually and will take effect from Sambat 2017.

Jaipur, November 23, 1960.

No. F. 14 (12) Jrg./60.—In pursuance of sub-section (6) of section 5 of the Rajasthan Lands Special Irrigation Charges Act, 1953 (25 of 1953), read with Rule 9 of the Rajasthan Lands Special Irrigation Charges Rules, 1954, the State Government does hereby determine, sanction and publish the following final schedule of betterment charges in respect of the lands in the following villages commanded by the Non-perennial Irrigation Projects, namely Gudha, Pech-ki-Boari, Rai-Balapura, Bundi-ka-Gothara and Bhimlat of District Bundi.

1. Gudha Non-perennial Irrigation Scheme.

Tehsil Bundi.—1. Baroda 2. Danta 3. Sathoor 4. Borda 5. Bor-Khandi 6. Siona 7. Akoda 8. Thikarda.

Tehsil Hindoli.—1. Daola 2. Chatarganj 3. Chata 4. Holaspura 5. Bhawanipura 6. Dahroli 7. Mangli Khurd 8. Mangli Kalan 9. Bor-Khera 10. Barwas 11. Raghunathpura 12. Khataoda 13. Mond-Ghasa 14. Anand Ganj 15. Aklore 16. Dhobra 17. Turkari 18. Dhebhaiyon-ko-Naya Gaon 19. Bichri 20. Dagaria 21. Bor-Khera (Dhanna) 22. Dhannao 23. Chora 24. Jar-ka-Naya Gaon 25. Khati Khera 26. Dablana 27. Gorussiyon-ka-Khera 28. Raghunathpura (Jhoporia) 29. Bara Naya gaon 30. Ram Chandraji-ka-Khera 31. Gudha Sasiyon 32. Alod 33. Tehla.

2. Pech-ki-Baori-perennial Irrigation Scheme.

Tehsil Hindoli.—1. Pech-ki-Baori 2. Kalamal 3. Rosanda 4. Kaveri 5. Umer 6. Saroopgarh 7. Piprala.

3. Rai-Balapura Non-perennial Irrigation Scheme.

Tehsil Nainwa.—1. Dakoon 2. Mvina 3. Kalaml 4. Dodi 5. Viyanta 6. Jeewanpura 7. Deopura (Gudha Sada) 8. Vartiyan 9. Bhajnari.

4. Bundi-ka-Gothra Non-perennial Irrigation Scheme.

Tehsil Hindoli.—1. Bundi-ka-Gothra 2. Rani 3. Sarsod 4. Luharia 5. Soori 6. Bargaon 7. Ninod 8. Bal 9. Ranipura 10. Sanwatgarh.

5. Bhimlat Non-perennial Irrigation Scheme.

Tehsil Bundi.—1. Ulera 2. Umerthoona 3. Sinti (Gudha Natha) 4. Watan 5. Sinti 6. Nim ka-khera 7. Mangal 8. Gopalpura 9. Khunetia.

THE FINAL SCHEDULE OF BETTERMENT CHARGES

BETTERMENT CHARGES							
Name of Distt.	Name of Tehsil.	No. of villages	Class of land.	If paid lump-sum.	If paid in annual instalments.	No. of instalments.	Amount of each instalments. per acre.
1	2	3	4	5	6	7	8
Bundi	Bundi	17(1)	Barani & Parat.	Rs. 50/-	Rs. 62/-	10	Rs. nP. 6.20
Bundi	Bundi	(ii)	Chahi	17/-	18/-	3	6.00
-do-	Hindoli	50	"	17/-	18/-	3	6.00
-do-	Ninwa	19	"	17/-	18/-	3	6.00
Total		86					

Jaipur, November 29, 1960.

No. F. 9 (2) Irg./57-I.—In pursuance of sub-section (6) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (25 of 1953), read with rule 9 of the Rajasthan Land Special Irrigation Charges Rules, 1954, the State Government does hereby determine, sanction and publish the following final schedule of betterment charges in respect of the lands in the following villages irrigated by the Sadul Branch of the Bhakra Canal, included in the assessment circle 1 to 7 Tehsil Suratgarh, 2 villages of Tehsil Padampur and 2 of Anupgarh Tehsil.

Suratgarh Tehsil.

Circle No. 1.—Ayalki, Bilichawala, Dulmana, Goluwala Bas Nawada, Goluwala Bas Siyagan, Govindgarh, Hansliya, Hardayal-pura, Kherli-in, Kanawala, Dulmani, Lakhasar, Longwala, Sadan-wingh-wala, Umewale.

Circle No. 2.—Bhagwanganarh, Bhagibandar, Dhaban, Gursar-modia, Ghamaudiva, Jorkiya, Khothanwali, Rampura Sidhwan, Sardarpura Bika, Surewali, Sidhpura.

Circle No. 3.—Ampura Rathana, Lahkawali, Dingwa, Ahmada-pura, Lakhawali, Thirajwala.

Circle No. 4.—Prempura, Bhagsar Khurd, Sidhuwala, Sheo-pura, Bhagwansar, Karanisar, Karanisar. Utradha, Lalpura, Ram-pura, Ramesar Jakharan, Sahuwala, Sengar, Sardargarh.

Circle No. 5.—Baropal, Kalibangi, Nihalpura, Pillibangan, Ludhana, Manakthedi.

Circle No. 6.—Amarpura Jatan, Suratgarh, Mohammadabad, Bheronpur (Silanwali), Manaksar, Rangmhal.

Circle No. 7.—Barekan, Shri Ramsar, Dhirdeshar, Kanpur, Bir Suratgarh, Chak Nali Bhagwansar, Chak Nali Karanisar, Chak Nali Rampura, Birdulwani.

Padampur Tehsil.—Manjuwas, Narsinghpura.

Anupgarh Tehsil.—Daulatabad, Hindo.

THE FINAL SCHEDULE

S. No.	Name of Distt.	Name of Tehsil.	Name of Assessment Circle.	No. of villages.	Class of soil.	Charges if paid in lump sum.	Charges if paid in instalments		
							Charges.	Maximum No. of instalments.	Minimum amount of instalments.
1	2	3	4	5	6	7	8	9	10
						Per acre	Per acre	Per acre	
1.	Ganga-nagar	Suratgarh	1 to 7	66	Nali	266/-	336/-	24	14/-/-
	-do-	-do-	-do-	66	Rohi	28/-	264/-	24	11/-/-
2.	-do-	Padampur	—	2	Nali	266/-	336/-	24	14/-/-
	-do-	-do-	—	2	Rohi	208/-	264/-	24	11/-/-
3.	-do-	Anupgarh	—	2	Nali	266/-	335/-	24	14/-/-
	-do-	-do-	—	2	Rohi	208/-	264/-	24	11/-/-

Note.—The above instalments will be recovered annually so long as the canals are non-perennial and half-yearly after they become perennial. The recovery will take effect retrospectively i.e. from Rabi 1958 but actual collection, for the time being will be made in accordance with the Government Order No. F. 14 (c) Irg./57, dated 15/16 January, 1960.

By Order of the Governor,
M. P. SHUKLA,
Dy. Secretary to the Government.

Jaipur, November 29, 1960.

N. F. 9 (2) Irg./57-II—In pursuance of sub section (6) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with rule 9 of the Rajasthan Land Special Irrigation Charges Rules, 1954 the Government of Rajasthan does hereby determine, sanction and publish the following final schedule of betterment charges in respect of the lands in the following villages irrigated by the Amarsingh sub-branch in Rajasthan and Fatehabad Tail (Punjab) of Bhakra Canal, included in the assessment circle Tal & Tal Tibba of Tehsil Bhadra.

Tehsil Bhadra.

Circle Tal.—Udhrau, Babal Bas, Bharani, Bhirun Chhani, Ber, Biran, Janan, Jhansal, Chhani, Badi, Ramgarhia, Sagra, Sardarpura Bas-Chirya Gandhik, Sawai Chhani, Sahuwala, Gandhi Badi, Sharpura, Gadhi, Chhani, Nal Khera, Mehrana, Nenana, Chak Chiya Gandhi, Chirya Gandhi.

Circle Tal Tibba.—Beharipura, Bhojasar, Chak Bhojasar, Patwa, Bid Bhadra, Jogiwal, Jhurdpara, Dholpalia, Dhobi Dungarwas, Rajpura, Bhadra, Ratanpura, Sardarpura Bas Bhadra, Sardarpura Bas Bhola, Sardargarhia, Sikrori, Sheopura, Suratpura, Karanpura, Khachwana, Sri Gangasinghpura, Ganeshpura, Lakhambas, Motipura, Munari, Nangal, Hathipura, Amarpura Nethrana, Bharwana.

THE FINAL SCHEDULE

S. No.	Name of Distt.	Name of Tehsil.	Name of assessment circle.	No. of villages.	Class of soil.	Charger is paid in lump sum.	Charges if paid in instalments.		
							Charges.	Maximum No. of instalment.	Minimum amount of instalment.
1.	Ganga-nagar	Bhadra Tal.		22	Rohi	208/-	264/-	24	11/-
	-do-	-do-	Tal Tibba.	31	Rohi	208/-	264/-	24	11/-

Note.—The above instalments will be recovered annually so long as the canals are non-perennial and half-yearly after they become perennial. The recovery take effect retrospectively i.e. from Rabi 1958-59. But actual collection for the time being will be made in accordance with the Government No. F. 14 (c) Irg./57. dated 15/16 January, 1960.

By Order of the Governor,
G. B. K. HOOJA,
Secretary to the Government.

Published in Raj. Raj-patra part I (a) dated May 31, 1962 at page 18 :

Irrigation Department

CORRIGENDUM

Jaipur, May 14, 1962.

No. F. 14 (5) Irg./60.—In this Department Notification No. F. 14 (5) Irg/60 dated 13-11-61 (English Version) published in Rajpatra dated 14-12-61 at pages 93-95, against Parbati Non-perennial Project, District Bharatpur tehsil, Dholpur for the existing entries against 40-46 the following may kindly be inserted:—

Parbati Non-perennial Bharatpur Dholpur.
Project.

40 Kolari.	1172
41 Bheromati	791
42 Siastanagar	488
43 Jamalpur	165
44 Pekhri	311
45 Jaroli	793
46 Maloni Power	1353
47 Besai Nawab	2276
48 Kundh Rajora	417
44 Kemara	352
50 Ajepura	346
51 Indoli	279
52 Dungarwara	210

By Order,

M. P. SHUKLA,

Dy. Secretary to the Government.

Published in Raj Raj-patra part IV (c) dated March 2, 1961 at page 746 :

Irrigation Department

NOTIFICATION

Jaipur, January 17, 1961.

No. F. 14 (28) Irg.60.—In pursuance of sub-section (6) of section 5 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with Rule 9 of the Rajasthan Lands Special Irrigation Charges Rules, 1954, the Government of Rajasthan does hereby determine, sanction and publish the following final schedule of Betterment Charges in respect of the lands in the following villages Commanded by the non perennial.Irrigation projects, namely Meja and Sareri of District Bhilwrra

I. *Meja Non-perennial Irrigation Scheme.*

I. *Tehsil Bhilwara:*—(1) Melola, (2) Pansal, (3) Belia Khurd, (4) Sabalpura, (5) Agarpura, (6) Bholi, (7) Pondras, (8) Madhopur, (9) Atun, (10) Jeepia, (11) Dhumras, (12) Harni Kalan, (13) Suwana, (14) Malan, (15) Bhilwara, (16) Danthal, (17) Mokham-

pura, (18) Halar, (19) Mohammdpura, (20) Dhool-Khera, (21) Jodhras, (22) Arjia, (23) Rupaheli, (24) Gathila-Khera, (25) Kishanwatan-Ki-Khori, (26) Kunvada, (27) Bhadali Khera, (28) Odan-Ka Khera, (29) Harnai Khurd, (30) Kiratpura, (31) Sanganer, (32) Sidrias, (33) Rinchhra, (34) Palri, (35) Taswaria, (36) Chhapri.

II. *Tehsil Mandal*.—(1) Meja, (2) Suras, (3) Mandal, (4) Santokpura, (5) Rajpura, (6) Gudha.

III. *Tehsil Banera*.—(1) Mahwa Khurd, (2) Chamanpura, (3) Kedpura, (4) Chhattri Khera, (5) Lampia, (6) Kherlia, (7) Ganespura, (8) Raisinghpura, (9) Daulatpura, (10) Ranningpura, (11) Kalsana, (12) Laxmipura.

2. *Sareri Non-perennial Irrigation Scheme*.

1. *Tehsil Banera*.—(1) Kasoria, (2) Dabla, (3) Gharta, (4) Baldarkha, (5) Bhateda, (6) Kundia Khurd, (7) Kundia Kalan, (8) Jasoria, (9) Vijayapura.

Published in Raj. Raj patra part IV (c) dated July 12, 1962 at pages 326.

Irrigation Department

NOTIFICATION.

Jaipur, June 21, 1962.

No. F. 14 (6) Irg./61.—In pursuance of sub-section (6) of section 8 of the Rajasthan Land Special Irrigation Charges Act, 1953 (Rajasthan Act XXV of 1953), read with Rule 9 of the Rajasthan Lands Special Irrigation Charges Rules, 1954, the Government of Rajasthan does hereby determine, sanction and publish the following final schedule of Betterment charges in respect of the lands in following villages commanded by the Jhilmili Bhandari and kalakho non-perennial Irrigation projects of District Jaipur.

1. *Jhilmili Non-Perennial Irrigation Scheme*.

I. *Tehsil Dausa*.—1. Bishanpura-Bara, 2. Girdharpura, 3. Haspatti, 4. Nayagaon, 5. Chak-Dehawas, 6. Koliawas, 7. Sekhpura, 8. Dublia, 9. Bad-Bidarkha, 10. Chak-Ramthala, 11. Khedwas, 12. Butoli, 13. Mendera Sunarpura, 14. Jag-Rampura, 15. Pooranwas, 16. Purbiawas, 17. Dungrawat.

2. *Bhandari Non-Perennial Irrigation Scheme*.

Tehsil Sikrai.—1. Pilwa Kalan, 2. Dolika, 3. Dubbi, 4. Kelai, 5. Bhandari, 6. Dhonkarwara, 7. Nihalpura, 8. Kalera, 9. Bhojpura.

3. *Kalakho Non-Perennial Irrigation Scheme*.

1. *Tehsil Dausa*.—1. Kalakho.

2. *Tehsil Baswa*.—1. Khuntala, 2. Sahupara.

3. *Tehsil Sikrai*.—1. Reta, 2. Dubbi, 3. Kelai, 4. Bhojpura, 5. Girdharpura, 6. Kalera, 7. Sikandara, 8. Basra, 9. Bhahman Berada, 10. Gohalya, 11. Bidarwara, 12. Raipur, 13. Bawanpara, 14. Gannri, 15. Murisara, 16. Sanwas, 17. Piplika, 18. Likhli.

FINAL SCHEDULE OF BETTERMENT CHARGES

Class of land	Betterment charges per acre		No. of annual instalments	Amount of each Instalments.
	If paid in lump sum	If paid in instalments.		
1	2	3	4	5
Barani & Banjar	Rs. 60/-	Rs. 72/-	10	Rs. 7.20 nP.
Chahi & Nehri	Rs. 20/-	Rs. 22/-	3	(1) Rs. 7.50 nP. in first 2 years.
Dehri & Talabi	Rs. 30/-	Rs. 37/-	10	(2) Rs. 7.00 in the last 10 years, Rs. 3.70. nP.

Note.—(i) Betterment Levy is to be realised from Smt. 2019.

(ii) Betterment Levy on Chahi Lands shall be assessed only on those fields which receive the actual benefit of canal Irrigation.

By Order of the Governor,

P. N. BAHL,

Dy. Secretary to the Government.

Published in Raj. Raj-patra part IV (c) at page 27 :

Irrigation Department.

NOTIFICATION.

July 16, 1962.

No. F. 14 (5) Irg/61.—In pursuance of sub-section 5 of the Rajasthan Lands Special Irrigation charges Act, 1953 (Rajasthan Act XXV of 1953), read with Rule 9 of the Rajasthan Lands Special Irrigation Charges Rules, 1954, the State Government hereby determines sanctions and publishes the following final schedule of Betterment Charges in respect of the lands in the following villages commanded by the Motisagar Non-perennial Irrigation project of District Tonk.

Tehsil Tonk.—(1) Amirpur Khera. (2) Thali. (3) Mohammad Ganj. (4) Dakhia. (5) Chhan. (6) Bharani. (7) Alipura. (8) Mahuwa.

Tehsil Deoli.—(1) Dhuwan Kalan. (2) Jagtia. (3) Bharna.

FINAL SCHEDULE OF BETTERMENT CHARGES.

Class of land.	Betterment charges per acre		No. of Half Yearly instalment	Amount of each Instalments.
	If paid in lumpsum.	If paid in instalments.		
1	2	3	4	5
Chahi	20	21	6	3.50 nP.
Talabi	30	32	6	5.00 in 1st 4 instalments & 6.00 in next 2 instalments.
Barani	60	72	20	3.60 nP.

Note.—(1) Betterment Levy is to be enforced from Rabi Smt. 201....

(2) Betterment Levy on Chahi Land shall be assessed only on those fields. Which receive the actual benefit of cannal Irrigation.

By Order of the Governor.

(P. N. BAHL)

Dy. Secretary to the Government,

Published in Raj. Raj-patra part IV (c) Supp. dated 23/8/62 at pages

Irrigation Department

NOTIFICATION

Jaipur, July 16, 1962.

No. F. 14 (1) Irg./62.—In pursuance of sub section (6) of section 5 of the Rajasthan Lands Special Irrigation Charges Act, 1953, (Rajasthan Act 25 of 1953), read with rules of the Rajasthan Lands Special Irrigation Charges Rules, 1954, the State Government hereby determines and sanctions the following final Schedule of betterment charges in respect of the lands in the following villages included in Khanwa and Saidpura Inundation Irrigation Schemes of District Bharatpur:—

1. *Khanwa Project Tehsil Roopwas.*—(1) Chak Khudasa, (2) Saidpura (3) Pasora, (4) Khijuri, (5) Singhawali, (6) Bokoli, (7) Garhi, (8) Burana, (9) Khudasa (10) Jindpura, (11) Kandholi, (12) Chandoli (13) Khanwa (14) Barbara, (12) Ghata, (16) Chandpura, (17) Murrika (18) Bargha, (19) Odelrh Gaddi.

2. *Saidpura Project Tehsil Roopwas.*—(1) Bhensa, (2) Bah-ravali (3) Sonothi, (4) Nagla Radhey, (5) Nagla Bhagat, (6) Madriya, pur, (7) Bansi, (8) Mahal.

FINAL SCHEDULE OF BETTERMENT CHARGES

Class of Land.	Betterment Charges		No. of yearly instalments.	Amount of each Instalment.
	per acre If paid in Lumpsum.	If paid in instalments		
1	2	3	4	5
Barani, Parat and Banjar.	Rs. 20/-	/25/-	10	Rs. 2.50 nP.

Betterment Levy shall be enforced from St. 2019.

By Order of the Governor,
(P. N. BAHL)

Dy. Secretary to the Government.

Rules and Notifications under

LAND SUMMARY SETTLEMENT ACT, 1953.
THE RAJASTHAN (No. 19 of 1953).

LAND SUMMARY SETTLEMENT RULES, 1956.

NOTIFICATION

Jaipur, April 4, 1956.

No. F/(273) Rev. 1/51.—In exercise of the powers conferred by section 15 of the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953), the Rajasthan Government hereby makes the following rules, namely:—

Notes

The State Government is authorised under section 15 of the Rajasthan Land Summary Settlement Act, 1953 to make rules for the purpose of giving effect to the provisions of the Act. The State Government is required to prescribe the manner of Rent Rates' publication under section 7, preparation of records under section 11, liabilities for expenditure under section 12 and manner of preferring an appeal under section 14 of the Act.

These rules make provisions for the matters so prescribed.

1. *Short title and commencement.*—(a) These rules may be called the Rajasthan Lands Summary Settlement Rules, 1956.

(b) They shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

(1) "the Act" means the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953).

(2) "Section" means a section of the Act.

3. *Publication of Rent Rates.*—(i) The rent rates selected by the Settlement Officer under section 7 for each assessment circle formed under section 6 shall be published in the Rajasthan Gazette for general information and inviting objections within one month from the date of publication.

(ii) They shall also be notified by affixing notices at important sites in the villages included in the assessment circle and on the notice-board of the Tehsil concerned.

4. *Records.*—(1) The Settlement Officer shall get the following record prepared under section 11 namely:—

(i) A rough sketch, wherever possible, of the village showing each field or holding under a separate number;

(ii) Khasra Bandobast;

(iii) A Khatauni on the basis of the Khasra Bandobast showing the names of the persons cultivating or otherwise holding or occupying land, the nature and class of their tenure, total land held by them in Bighas or in terms of

plough or seed, soil-class given and the existing rent and the proposed rent payable by them;

(iv) Men and Cattle census;

(v) Statement of wells;

(vi) A register (Khewat) of the grantees, co-sharers and sub-grantees;

(vii) Dastoor Ganwai.

(2) All undisputed entries in the aforesaid record shall be attested by the Settlement Officer or his assistant in the presence of the parties interested i.e. the tenants, co-tenants, sub-tenants and land-holders.

5. *Expenditure incurred in summary settlement of land forming a State grant.*—The Settlement Officer or his assistant shall keep an account of the expenditure incurred in the summary settlement of the land included in or forming a State grant and shall prepare a list of State grantees rateably distributing among them the amount so incurred on the basis of the area or rent or both.

6. *Manner of preferring an appeal under section 14.*—Appeals under section 14 shall be preferred in the same manner as appeals from orders of a Settlement Officer are preferred under any law for the time being in force in the area in which the land in respect of which the dispute has arisen is situated.

By Order

P. N. KAUL,

Secretary to the Government.

Notifications under

RAJASTHAN LANDS SUMMARY SETTLEMENT ACT, 1953

Published in Raj. Raj-patra Dated February 27, 1954 part I at page 1230

Jaipur, February 17, 1954.

No. F. 1 (273) Rev. 1/51—In exercise of the power conferred by sub-section (3) of section 1 of the Rajasthan Land Summary Settlement Act, 1953, (Rajasthan Act No. XIX of 1953,) the Government of Rajasthan is pleased to appoint the 1st day of March, 1954 to be the date on which the said Act shall come into force.

By Order,
GULZARI LAL,
Secretary to the Government.

Published in Raj. Raj-patra Dated December 3, 1955 part I (b) at page 719:

Revenue Department (B)

NOTIFICATION.

Jaipur, November 11, 1955.

No. F. 12 (115) RB/55.—Under Section 3 of the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953) the State Government hereby directs that pending the undertaking of regular settlement in all Khalsa and non-Khalsa villages of the former Jaisalmer State (included at present in the Jaisalmer District, the Magra tehsil of Bikaner District and the Phalodi and Pokaran tehsils of Jodhpur District) summary settlement operations of unsettled lands and holdings shall commence forthwith in the said villages.

By Order of
His Highness the Rajpramukh,
P. N. KAUL,
Secretary to the Government.

Published in Raj. Raj-patra Dated May 30, 1957 part IV (c) at page 88

NOTIFICATION

Jaipur, May 15, 1957.

No. F. 8 (59) Rev. (b)/57.—In pursuance of section 4 of the Land Summary Settlement Act, 1953 (Act No. 15 of 1953) the Government of Rajasthan is hereby pleased to appoint with effect from 1st December, 1955, the Settlement Officer, Pali and Settlement Officer, Jodhpur, respectively, for purposes of carrying out the summary settlement operations in the following Tehsils as noted against each Officer:—

S. No.	Settlement officer	Tehsil	District
1	Settlement Officer, Pali Head Quarters Jodhpur.	1. Ramgarh 2. Naohna 3. 42 villages of former Jaisalmer State now included in Magra Tehsil	Jaisalmer. Bikaner.
2	Settlement Officer, Jodhpur.	1. Jaisalmer 2. Sam 3. Fatehgarh	Jaisalmer.

By Order of the Governor,
R. N. HAWA,
Secretary to the Government.

Published in Raj. Raj-patra Dated January 16, 1958 part I (b) at page 1004.
Jaipur, December 31, 1957.

N. F. 8 (218) SL/57.—In pursuance of clause (d) of sub-section (1) of section 8 of the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act No. XIX of 1953), the Government of Rajasthan is hereby pleased to declare the following years as abnormal for the purposes of the said clause namely:—

Samvat years 2003 to 2013 both inclusive.

By Order of the Governor,
R. N. HAWA,
Secretary to the Government.

Rules and Notifications under

LAWS (EXTENSION) ACT, 1957. THE RAJASTHAN
(27 OF 1957)

Notifications under

RAJASTHAN LAWS (EXTENSION) ACT, 1957.

Published in Raj. Raj-patra Dated August 13, 1957 part I (a) at page 117

Law and Judicial (A) Department

NOTIFICATION

Jaipur, August 12, 1957.

No. F. 4(10) LJ/A 57.—In exercise of the power conferred by sub-section (2) of section 1 of the Rajasthan Laws (Extension) Act, 1957 (Rajasthan Act 27 of 1957), the State Government hereby appoints the 1st day of September, 1957 to be the date on which the said Act shall come into force.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

Rules and Notifications under

LEGAL PRACTITIONERS' ACT, 1879. (CENTRAL
ACT No. 18 OF 1879).

Rules Under Section 27 of the Legal Practitioners' Act of 1879 as Adapted to RAJASTHAN.

Government of Rajasthan
Rajasthan High Court, Jodhpur.

NOTIFICATION.

Jodhpur, January 18, 1951.

No. 240/Gen.—The following rules regarding Legal Practitioners' Fee for Courts Subordinate to the Rajasthan High Court, framed under section 27 of the Legal Practitioners' Act of 1879 as adapted to Rajasthan, are published for general information.

They will come into force immediately.

By Order,
MADHO PRASAD GUPTA,
Registrar.

Legal Practitioners' Fee for Courts Subordinate to the High Court.

Notes

Section 27 of the Legal Practitioners' Act, 1879 requires the High Court to fix and regulate the fees payable by any party in respect of the fees of his adversary's advocate, pleader, vakil, mukhtar or attorney upon all proceedings—(a) on the appellate side of such Court, (b) in the case of a High Court not established by a Royal Charter, on its original side, and (c) in subordinate Courts. These rules have been framed by the High Court of Judicature for Rajasthan for Courts subordinate to it.

Subsequent to promulgation of these rules the High Court framed and issued the General Rules (Civil), 1952. These rules have been incorporated in those rules. The amendments subsequently made also find place in the same General Rules (Civil), 1952.

1. The party entitled under a decree or an order - to be paid costs by another party in any original suit, appeal, or other judicial proceeding shall not be entitled to any larger allowance for Legal Practitioners' Fees in such suit, appeal or proceeding, including all proceedings in the execution of an original or appellate decree as the case may be then the fee hereinafter provided for, which may be applicable to the case:—

(i) Provided that the Court may, in any case for special reasons to be recorded in the judgment or order, award a higher or lower fee than that prescribed under these rules:

(ii) Provided further that nothing in these rules shall be held to apply to such costs as the party may be ordered to pay for adjournments.

These rule have been first published in Rajasthan Raj-patra dated January 18, 1951. in part IV (c) at page 19:

2. No fee to any Legal Practitioner, not appearing for the State, or the Court of Wards or a Local authority or body as a party, shall be allowed in taxation between party and party or shall be included in any decree or order unless the court is satisfied that the fee was paid to the Legal Practitioner prior to the delivery of the judgment or the making of the order by which costs became payable and unless the party claiming to have such fee allowed shall, prior to the delivery of the judgment or the making of the order by which costs become payable filed before the court a certificate signed by the Legal Practitioner certifying the amount of the fee or fees actually paid to him by or on behalf of his client.

3. Such certificate shall state—

(i) the cause, matter or proceeding in respect of which such fee or fees was or were paid;

(ii) date or dates when such fee or fees was or were paid actually to the Legal Practitioner;

(iii) precise amount or amounts which was or were so paid;

(iv) that any portion of such fee or fees has or have been returned or has or have been agreed to be returned or remitted by the Legal Practitioner or any one on his behalf;

(v) name and particulars of the person who made such payments.

4. On sufficient cause being shown a certificate of fees filed after the time mentioned in the above rule but before the judgment is signed may be accepted for taxation or costs by the Presiding Officer of the Court.

5. The certificate shall be as far as possible in the following form:—

In the Court of

Case No.....of Sambat year.....

Between .. . and

I hereby certify that in the above named case the following fee were paid to me on the dates and by the persons specified below and that no portion of such fees has been returned or has been agreed to be returned or remitted by me or by any one on my behalf:

Date of payment	Amount Paid.	Name of person who actually made payment.	Name of person on whose behalf payment was made	Remarks.
1	2	3	4	5

6. The Officer receiving a certificate filed by a Legal Practitioner shall at once endorse thereon the date and hour on which it was filed.

7. For purposes of these rules, a claim for set off made in a written statement shall be held to be a separate suit and a memorandum of objections under Order 41, Rule 22, C.P.C. shall be treated as a separate appeal. The percentage scale given in the rule applicable to the case shall be applied only to the value of that part of the set off or objections in respect of which a fee has been paid under the Court Fees Act.

8. In suits, or appeals from original or appellate decrees, decided on merits and in a contested application or probate or Letters of administration, fees shall be payable according to the following scale:—

(i) If the amount or value of the claim does not exceed Rs. 5,000/- at 6½% subject to a minimum of Rs. 10/-.

(ii) If the amount or value exceeds Rs. 5,000/- but does not exceed Rs. 20,000/-, on Rs. 5,000/- as above and on the remainder at 2%.

(iii) If the amount or value exceeds Rs. 20,000/- but does not exceed Rs. 50,000/-, on Rs. 20,000/- as above and on the remainder at 1%.

(iv) If the value exceeds Rs. 50,000/-, on Rs. 50,000/- as above and on the remainder ½% subject to a maximum of Rs. 2,000/-.

9. (i) When such suits or appeals are decided *ex parte* or when the claim is admitted or when an appeal is rejected under Order 41, Rule 10, C.P.C.

(ii) In suits under section 9 of the Specific Relief Act, and

(iii) In applications under the Arbitration Act of 1940, half the fees prescribed by Rule 8 subject to a minimum of Rs. 5/- and maximum of Rs. 1,000/-.

10. In appeals from orders in execution cases, in applications for revisions and review of judgments, and in other miscellaneous cases including enquiry into pauperism, one quarter of the fees prescribed by rule 8 above, shall ordinarily be allowed, but in special cases, for reasons to be recorded in writing, the court may in its discretion allow fees to the extent of one half of the fees prescribed therein.

11. The words 'amount or value of the claim' in rule 8 above shall mean the value as set forth in the plaint or Memorandum of appeal except where the value has been in issue in the suit or appeal in which case the value determined by the court shall be taken to be the value of the claim. In cases in which the subject matter of the claim does not admit of valuation or the pecuniary value of the right sought to be enforced cannot be exactly defined, the court shall fix a reasonable fee regard being had to the time occupied by the proceedings in the case and the nature of the questions raised therein.

12. Fraction of a rupee in the amount or value of a claim shall be omitted in calculating the fee payable thereupon.

13. In mortgage suits the fees laid down in rule 8 shall ordinarily be included in the preliminary decree. The court may also allow the fee for the conduct of subsequent proceedings if they are of a contentious nature, but this fee shall not exceed one-fourth of the amount prescribed under rule 8 above.

14 Notwithstanding anything contained in these rules, the following additional fee for work of miscellaneous nature specified below shall be included in the Schedule of costs as taxable between party and party in addition to those allowed in the preceding rules:—

(i) For each affidavit filed in respect of applications, for each affidavit in answer and for each counter affidavit when necessary Rs. 5/-.

Provided that the Court may cut down or wholly disallow any fee if the affidavit fails to give proper particulars and material or contains unnecessary and irrelevant matters.

(ii) For each application of more or less a formal nature such as one of substituting heirs of deceased party, to set aside an abatement the admission of appeal filed beyond time, an application for stay of execution, an application for security of costs or for injunction, etc. Rs. 5/-.

15. If several defendants who have joint or common interest succeed upon a joint defence or upon separate defences, substantially the same not more than one fee shall be allowed unless the court shall otherwise order for reasons to be recorded. If only one fee be allowed, the court shall direct to which of the defendants it shall be paid or shall apportion it among the several defendants in such a manner as it thinks fit.

16. If several defendants, who have separated interests, set up separate and distinct defences and succeed thereon, a reasonable fee for each of the defendants who appear by separate Legal Practitioner may be allowed in respect of his separate interest.

17. For each fee allowed under the last two preceding rules, the value of the stamp of one *Vakalatnama* shall be awarded as costs.

18. In cases of execution of decree or in miscellaneous cases a second fee shall not be allowed except when the former Legal Practitioner is not available for a sufficient cause.

Rules Framed by the High Court under Section 6 of the Legal Practitioners ACT, 1879.

Notes

[Section 6 of the Legal Practitioners' Act, 1879 authorises the High Court to make rules for the following matters:—

- (a) the qualifications, admission and certificates of proper persons to be pleaders of the subordinate courts, and of the revenue offices situate within the local limits of its appellate jurisdiction, and, in the case of a High Court, not established by Royal Charter. (in respect of which the Indian Bar Councils Act, 1926, is not in force) of such Court;
- (b) the qualifications, admission and certificates of proper persons to be mukhtars of the subordinate court, and, in the case of a High Court not established by Royal Charter, (in respect of which the Indian Bar Councils Act, 1926, is not in force) of such court;
- (c) the fees to be paid for the examination and admission of such persons; and
- (d) suspension and dismissal of such pleaders and mukhtars.

All such rules are to be published in the Official Gazette and shall have the force of law on such publication. Previous approval of the State Government is necessary in the case of rules made by the High Court not established by Royal Charter.

Subsequent to promulgation of these rules. The High Court of Judicature for Rajasthan has framed and issued the General Rules (Civil), 1952. These rules have been incorporated in those rules.

Rajasthan High Court, Jodhpur

NOTIFICATION

Jodhpur, July 9, 1952.

No. 19/Gen.—The following Rules framed by the High Court under section 6 of the Legal Practitioners Act, 1879, and approved by the Government (vide their letter No. D/964/LR/52, dated 4th/7th April, 1952) are hereby published for general information. They shall come into force from 1st October, 1952.

By Order,
M. L. RAZDAN,
Registrar

Pleaders.

1. *Grades of pleaders*—Pleaders entitled to practise in the subordinate courts shall be of two grades, viz,
 1. Pleaders, first grade, and
 2. Pleaders, second grade.

These rules have been first published in Rajasthan Raj-patra Vol. 4 part II July 19, 1952 at page 584.

2. *No right to practise unless Pleader or Mukhtar enrolled in the District Court.*—No pleader is entitled to appear, plead or act in any District Court or any Court subordinate thereto, unless he is at the time enrolled in the District Court.

3. *Persons eligible to be pleaders.*—Any of the following persons may be admitted as a pleader, first grade if he satisfies the High Court that he possesses an adequate knowledge of the Hindi Language and can read and write it with ease and correctness, and that he is a fit and proper person to be admitted as a pleader, first grade—

- (1) a person, who has obtained a degree in law from any University established in law in India;
- (2) a person, who has obtained a degree in law from the University of Dacca, Lahore or Sind before the 15th day of August, 1947, and has permanently settled in India;
- (3) a person, who prior to the 7th April, 1949 was duly enrolled as a legal practitioner in any of the Covenanted States of Rajasthan, and who by virtue of such enrolment, was entitled to practise in all the subordinate Courts of that State.

4. *Enrolment of Pleaders of other High Courts.*—(a) A pleader or an advocate of any other High Court in India, as it is now or was before 15th August, 1947, may be admitted as a pleader first grade by the High Court of Rajasthan provided that—

- (i) he is good character and conduct,
- (ii) he can read and write Hindi with ease and correctness,
- (iii) the High Court within whose jurisdiction the applicant was a pleader has reciprocity in this respect with the High Court of Rajasthan, and
- (iv) he submits a certificate from the Registrar of such High Court to the effect that he has been permitted to suspend his practice in that Court.

(b) The condition of reciprocity provided in sub-clause (iii) of rule (a) and the certificate required by clause (iv) of that sub-rule are not necessary for pleaders who were practising before the 15th August, 1947, in the area now included in Pakistan.

5. *Persons eligible to be admitted as pleaders Second Grade.*—

(a) A pleader or Mukhtar of any High Court in any of the Covenanted States of Rajasthan, as they existed on the 6th April, 1949, and who by virtue of his enrolment as such pleader or Mukhtar, was not entitled to practise in all the subordinate courts of that State, but only in certain specified subordinate courts, or classes of subordinate courts, may be admitted as a pleader, second grade.

(b) The certificate issued to a pleader, second grade, shall specify the courts or the classes of courts in which he is entitled to practise.

(c) The court, or courts in which a pleader, second grade, shall be entitled to practise shall be the same in which he was entitled to practise before 7th April, 1949:

Provided that if a court in which he was entitled to practise is abolished, he shall be deemed to be entitled to practise in the successor court which has jurisdiction to try the cases formerly tried by the court which is so abolished.

6. *Enrolment in the High Court.*—The mode of applying to be admitted as a pleader shall be by petition in the form given in the Appendix and bearing the requisite court fee stamps. The petition shall be presented to the District Judge of the district in which the applicant desires ordinarily to practise. Such District Judge shall see that all particulars are correctly filled in and shall then forward the petition to the High Court.

7. *Enrolment in District Court.*—A pleader to whom a certificate has been issued under section 7, Legal Practitioners Act, 1879, may apply in person by petition accompanied by the certificate, to the District Judge of the district in which the applicant desires to practise.

8. *Enrolment in District Courts.*—If the certificate be in order and District Judge is satisfied that the applicant is not suffering from leprosy or other dangerous malady and is otherwise a proper person to be enrolled, he shall cause his name to be entered in a register to be kept in the following form, and shall cause to be endorsed on his certificate a memorandum certifying that the applicant has been enrolled in the court.

The register shall be maintained in two parts, one for pleaders first grade, and the other for pleaders, second grade.

FORM OF REGISTER.

Name.	Father's name.	Address.	Value of of stamp on certificate.	Date of enrolment.	Remarks.
1	2	3	4	5	6

9. *Enrolment in two districts.*—If a pleader wishes to practise in more than one district under the High Court, his application for his second or other enrolment must be forwarded to the High Court with the necessary endorsement by the District Judge of such second or other district, that in his opinion he is a suitable person for such further enrolment, provided that no fresh stamp under the Second Schedule of Legal Practitioners' Act will be required.

10. *Training of Pleaders before starting practice independently.*—Every pleader admitted under clause (1) or clause (2) of Rule 3 shall unless specially exempted by the High Court after being enrolled and before commencing to practise on his own account in any court subordinate to the High Court furnish to the High Court a certificate in writing by a 'Senior Practitioner', whose name is enrolled, in a list drawn up by a District Judge and approved by the High Court or by a practitioner of the High Court of not less than ten years standing, that he has read with such senior for six months and that he has attended regularly in Court and chambers with his senior and has worked diligently.

11. *Choice of Senior and fee for Senior.*—(a) The pupil may choose the Senior with whom he desires to read, provided that no senior shall have more than four pupils at any time unless for some exceptional reason, approved by the High Court, the District Judge authorises him to have more.

(b) If the Senior desires to charge a fee, it shall not exceed Rs. 150/- for the aforesaid six months' tuition.

12. *Rights of trainee pleaders.*—During the period of his training under rule 10, a pleader shall be entitled to hold the brief of his senior with his permission and to appear and plead for him but shall not be entitled to act.

13. *Certificate of training and its submission to High Court.*—The certificate of training required by rule 10, shall be submitted to the High Court through the District Judge who will first endorse it to the effect that he has satisfied himself that the petitioner in question has undergone the six months' training in accordance with the rules; provided that, where the highest judicial officer at a place is a Civil Judge or a Civil and Additional Sessions Judge or a Munsif the certificate may bear the necessary endorsement by such an officer and may be submitted to the High Court through the District Judge after being duly countersigned by him.

Where the District Judge feels dissatisfied with the training undergone, he shall call for an explanation in writing from the practitioner concerned of the points concerning which he is so dissatisfied and shall forward the explanation with his opinion thereon.

14. *Permission to practise independently.*—On receipt of the certificate mentioned in the above rule the High Court may permit a pleader to practise independently.

15. *Change of District of practise and reenrolment after discontinuing practice.*—Any pleader who desires to be enrolled in any district other than that in which he was originally enrolled or who applied to be re-enrolled in the same district after an interval during which his name was not on the rolls, shall apply by petition to the Judge of the District Court in which he seeks enrolment or re-enrolment annexing thereto his last certificate and a satisfactory testimonial of character from the judge of the district in which he

last practised, showing that nothing is known against him either professionally or personally so as to debar him from being enrolled or re-enrolled as a pleader. Where sufficient cause is shown as to why the applicant cannot furnish the certificate and testimonial aforesaid the judge may accept any other evidence in proof of his having been previously enrolled and of his having a good character. If the application be in order, and the District Judge is satisfied that the applicant is not suffering from leprosy or other dangerous malady, and is otherwise a proper person to be enrolled, or re-enrolled he may be enrolled or re-enrolled accordingly and upon every enrolment under this rule the District Judge shall notify the fact of such enrolment to the Registrar of the High Court.

RENEWAL

16. *Petition for renewal of certificate to practise.*—every application for renewal of a certificate shall be made on or before 15th December by petition, stamped under clause (b) article I, Schedule II of the Court Fees Act, 1870, of the Central Legislature as adapted to Rajasthan addressed to the Judge of the District Court in which the applicant is enrolled and ordinarily practises. The petition shall be accompanied by the expiring certificate and stamped paper of the value required for the renewed certificate, and shall be presented by the applicant in person, or, if the District Judge so permits, by a legal practitioner practising in the District Court and duly authorised in that behalf. Where an applicant practises in a outlying court, he may, if the District Judge so permits, present his petition in that court to be forwarded to the District Judge for orders.

The necessary postal charges for forwarding the petition by registered post as also for the transmission of the renewed certificate by registered post shall be paid by the applicant:

Provided that if a pleader is enrolled in more than one District under rule 9, he shall deposit the stamps under the Second Schedule of the Legal Practitioners Act in the District in which he was originally enrolled.

17. *Order on application for renewal.*—Unless it appears to the District Judge that the applicant is unfit by reason of leprosy or other dangerous malady, or is otherwise an improper person to whom to grant a renewal of the certificate, a renewed certificate shall be granted to him and signed by the District Judge, and be delivered to the applicant if he attends in person, or to the legal practitioner presenting the petition under rule 16 or through the court forwarding his petition under rule 16. On the renewed certificate shall be endorsed the memorandum of enrolment recorded on the expiring certificate, and the endorsement shall be authenticated by the District Judge. No certificate shall be renewed by any District Judge unless he is satisfied that the applicant at the time

of the application is ordinarily practising in a Civil Criminal or Revenue Court within the local limits of his jurisdiction.

If for any reason it appears to the District Judge that the applicant is an improper person to whom to grant a renewal of the certificate, he shall report the matter to the High Court for orders.

18. *High Court's power of renewal when applied for after 15th December.*—Except under a special order of the High Court passed on an application to be made through the District Judge no certificate shall be renewed to any pleader who shall not have applied on or before 15th December in its current year, for a renewal of his certificate.

19. *Forms of original and renewed certificates.*—The certificate of practise and renewed certificates shall be in the forms given in the Appendix and on stamp paper of the prescribed value.

20. *Return of certificates and renewals allowed.*—Each District Judge shall submit to the High Court in January of each year a return in the form below of the certificates renewed by his court for that year; and shall at the same time submit to the High Court a list of such Pleaders as have not applied for a renewal of their certificates or to whom a renewal has been refused.

At the time when the District Judge submits such returns to the High Court, he shall cause to be forwarded a copy of each such return to each District Magistrate within his judgship.

A list containing the names of all pleaders whose certificates have not been renewed shall in January of each year be posted in the court house of the District Judge with an intimation that such persons are liable to penalties under section 32 of the Legal Practitioners' Act, 1879 (Act No XVIII of 1879). if found practising without having renewed their certificates.

No. in High Court's Register and year of admission.	Name and degree if any.	Father's Name.	Place where practising.	value of stamp on certificate.	Date of last renewal.	Remarks.
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The District in which a pleader or Mukhtar was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district and in preparing this return the names shall be arranged in the order in which they stand in the High Court's Register.

DISABILITIES OF LAWYERS.

21. *Service, Trade business not allowed to Pleaders.*—If any applicant for admission as a pleader holds any salaried appointment or carries on any trade or other business, the High Court may refuse to admit him, or pass such orders on his application as it thinks proper.

If any person, who having been admitted as a pleader accepts any salaried appointment or entries into any trade or other business he shall give notice thereof to the High Court, which may thereupon suspend such pleader from practice or pass such orders as the said Court may think fit. He shall give the notice through the District Judge in whose court he is enrolled.

Ordinarily no pleader can be permitted to take an active part in any trade or other business and at the same time carry on a legal practice.

Explanation—The term ‘Salaried appointment’ does not include any part-time appointment relating to the teaching or other work connected with law.

22. *Place of practice.*—A pleader is authorised to practise only after enrolment, and then only in a court or office held within the territorial limits of the jurisdiction of the court of the District Judge in which he is enrolled.

23. *Authority for withdrawing client's money.*—Pleadors shall not receive refunds or repayments of court-fees, money or securities for money except when they be by their Vakalatnamas or Mukhtarnamas distinctly authorised to receive the same.

N. B.—Government Pleaders who do not file any Vakalatnama may, however, receive refunds or repayments when the application for refund or repayment has been signed by the Collector (or any other officer entrusted with the conduct of a suit) and the Government Pleader.

24. *Conditions on bidding at auction sales.*—No pleader shall at a sale in execution of a decree in a suit in which he has been professionally engaged bid for a purchase, whether in his own or in any other name, for his own benefit or for the benefit of any other person any property sold in execution of such decree.

25. *Commencement.*—These rules shall come into force from the 1st October, 1952.

26. *Cancellation of the existing Rules and Certificates thereunder.*—All existing rules relating to matters which are provided for in these rules are hereby cancelled, and certificates issued under the rules so cancelled shall be deemed to have been issued under these rules and shall remain effective till the end of the current year:

Provided that at the time of renewal of the certificates all Pleaders will be classified as pleaders of the first or second grade according to these rules on reference to the High Court.

27. *Renewal fee on permanent certificates.*—If a certificate under the rules cancelled as aforesaid was issued as a permanent certificate, the amount of fee paid for the permanent certificate shall be credited towards such renewal for until the expiry of the period for which such amount should have sufficed if renewal fee at the prescribed rate were paid each year, from the date of issue of the permanent certificate:

Provided that in case the amount paid for a permanent certificate is exhausted by calculation as aforesaid on any date prior to 1st January, 1953, the renewal fee will become payable every year beginning from 1st January, 1953.

APPENDIX.

forms of;—

- 1. Application.
- 2. (a) Enrolment certificate (Subject to training).
(b) Enrolment Renewal certificate (Subject to training).
(c) Enrolment certificate (not subject to training).
(d) Renewal Certificate—Pleader I grade.
(e) Renewal Certificate—Pleader II grade.
- 3. Order of permission to practise independently.

APPLICATION FOR ENROLEMENT AS A PLEADER.

(Rule 6 of Pleaders Rules).

COURT FEE STAMP.

To

The Registrar,
Rajasthan High Court, Jodhpur.

I beg to apply for enrolment as a pleader..... grade.

The particulars required are stated below:—

- (1) Name.
- (2) Father's name
- (3) Place of residence
- (4) Place of business
- (5) Qualifications
- (6) Whether the applicant holds any salaried appointment or carries on any trade or business
- (7) Whether the applicant has ever been convicted of any offence by a Criminal Court.

The required certificates as detailed below are submitted herewith:—

- (a) Diploma or certificate of qualifications.
- (b) Two testimonials of good character.

Applicant.

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

(Certificate of admission of Pleader).

(Section 7. Legal Practitioner's Act, 1879).

Pursuant to the Legal Practitioner's Act, 1879, I hereby certify that Shri.....son of Shri.....whose chief place of business is at.....has been admitted a pleader

of the grade and on his filing in this court a certificate in writing by a senior Practitioner as prescribed by Rule 10 of the Pleaders Rules that he has read with him for six months, has attended regularly with him in Court and Chambers and has worked diligently, will be authorised to appear, plead and act in all subordinate courts and Revenue Offices in the district in which he may enrol himself, upto the end of the current calendar year.

Given under my hand and the seal of the Court this day of 195 ..

Registrar.

COURT OF THE DISTRICT JUDGE.....

Register No of 195

Certificate of renewal of licence of Pleader 1st Grade under training.

The certificate issued under the signature of Registrar, Rajasthan High Court, Jodhpur, on the.....day of .. 195 .. to Shri son of Shri pleader 1st Grade having been cancelled and retained by me, this renewed certificate is issued to the said and on his filing before the High Court a certificate in writing by a Senior practitioner as prescribed by Rule 10 of the Pleaders Rules that he has read with him for six months, has attended regularly with him in Court and Chambers and has worked diligently and on the High Court accepting that certificate and permitting him to practise on his own account, he will be authorised to appear plead and act in all subordinate courts and Revenue Offices in the District in which he may enrol himself, upto the end of the current calendar year.

Given under my hand and the seal of the Court, this day of 195 ..

District Judge.

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

(Certificate of admission of Pleader),

(Section 7, Legal Practitioner's Act, 1879).

Pursuant to the Legal Practitioner's Act, 1879, I hereby certify that Shrison of Shri whose chief place of business is at,has been admitted as a pleader of thegrade and is authorised to appear plead and act in all subordinate courts and Revenue Offices in the District in which he may enrol himself, upto the end of the current calendar year.

Given under my hand and the seal of the Court, this..... day of.....195 ..

Registrar,
Rajasthan High Court, Jodhpur.

COURT OF THE DISTRICT JUDGE

Register No. of 195 ..

Certificate of renewal of Licence of Pleader First Grade.

(Rule 17 of Pleaders Rules).

The certificate issued under the signature of the
..... on the day of
to Shri son of Shri Pleader, 1st
Grade, having been cancelled and retained by me, this renewed
certificate is issued authorising the said to
appear, plead and act in all Subordinate Courts and Revenue Offices
in the District in which he may enrol himself; upto the end of the
current calendar year 195 ..

Given under my hand and the seal of the Court, this
day of 195 ..

District Judge.

COURT OF THE DISTRICT JUDGE.....

Register No. of 195 ..

Certificate of renewal of Licence of Pleader Second Grade.

(Rule 17 of Pleaders Rules).

The certificate issued under the signature of the
on the day of to shri
son of Shri Pleader, Second Grade, having been
cancelled and retained by me, this renewed certificate is issued
authorising the said to appear, plead and act in the
following Courts viz.... upto the end of current calendar
year 195 ..

Given under my hand and the seal of the Court, this.....
day of..... 195 ..

District Judge.

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

(Order of permission to Pleader to practise independently).

(Rule 14 of Pleaders Rules)

Register No.

A certificate of training as required under rule 10 of the Rules
for the admission and enrolment of Pleaders submitted by Shri ..
.. son of Shri Pleader, 1st Grade through District
Judge .. dated 195 , has been accepted by the High Court
and subject to the terms and condition of his certificate of enrolment,
the said Shri is hereby authorised to practise on his
own account.

Given under my hand and the seal of the Court, this.....
day of..... 195 ..

Registrar,
Rajasthan High Court, Jodhpur.

Rules for the Qualification, Admission and Enrolment of Revenue Agents in the Revenue Courts of Rajasthan.

Government of Rajasthan

Board of Revenue.

NOTIFICATION.

Jaipur, May 2, 1951,

No. 374/B R.—In exercise of the powers conferred by section 17 of the Legal Practitioner's Act, 1879, of the Central Legislature, the Chief Controlling Revenue Authority for Rajasthan (the Board of Revenue for Rajasthan) is pleased to make the following rules for the qualifications, admission and enrolment of Revenue Agents in the Revenue Courts of the Government of Rajasthan.

By Order,

H. C. CHATURVEDI

Registrar,

Board of Revenue for
Rajasthan, Jaipur.

Notes

Section 17 of the Legal Practitioners' Act, 1879 authorises the Chief Controlling Revenue Authority to make rules for the following matters:—

- (a) the qualifications, admission and certificates of proper persons to be revenue agents ;
- (b) the fees to be paid for the examination and admission of such persons ;
- (c) the suspension and dismissal of such revenue agents ; and
- (d) declaring what shall be deemed to be their functions, powers and duties.

Chief Controlling Revenue Authority in case of Rajasthan is Board of Revenue for Rajasthan. These rules have, therefore, been framed by the Board in pursuance of the aforesaid power.

The rules stand amended from time to time. These rules in duly amended form have been incorporated in Rajasthan Revenue Courts Manual. The amendments, if any, after incorporation in the Manual, find place in Manual itself.

Whereas it is expedient to consolidate and amend the rules relating to qualification, admission and enrolment of Revenue Agents in the Revenue Courts of the Government of Rajasthan;

Now, therefore, in exercise of the power conferred by section 17 of the Indian Legal Practitioner's Act, (XVIII of 1879), introduced in the Rajasthan under the Rajasthan Adaptation of Central Laws Ordinance, 1950 (Ordinance No. 4 of 1950), the Chief Controlling Revenue Authority is pleased to make and promulgate the following rules for the qualification, admission and enrolment of Revenue Agents in the Revenue Courts of the Government of the Rajasthan:—

These rules have been first published in Rajasthan Raj-patra Dated May 26, 1951 part IV B at page 57.

(1) These rules may be called "The Rules for the Qualification, Admission and Enrolment of Revenue Agents in the Revenue Courts of the Rajasthan, 1951".

(2) These rules shall extend to the whole of the Rajasthan.

(3) These rules shall come into force with effect from the date of their publication in the Rajasthan Gazette.

2. All rules, Hidayats, orders or circulars etc. hitherto in force, in the various Covenanting States relating to Revenue Agents, are hereby repealed.

All persons admitted and enrolled as Revenue Agents, certificates issued, sanctions given and orders passed under any rule, law, Hidayat, order or circular etc. of any covenanting State of the Rajasthan hitherto in force and hereby repealed shall be respectively deemed to have been admitted and enrolled, issued, given and passed under these rules.

3. In these rules, unless there be something repugnant in the subject or context,—

"Revenue Agent" means a person holding a certificate for the purpose, issued under the provision of these rules.

"The Chief Controlling Revenue Authority" means the Chairman, Board of Revenue for Rajasthan established by the Rajasthan Board of Revenue Ordinance, 1949 (No. XXII of 1949).

"Revenue Courts" mean all courts or offices (other than civil and criminal courts) trying suits, hearing applications or conducting enquiries under any law for the time being in force relating to land, land revenue, rent, and land-holders and tenants, or their agents.

4 to 15 omitted

16. Any person having passed the Examination conducted by the Board of Examiners for Enrolment as Revenue Agents may apply (in form Appendix 2) to the Registrar, Board of Revenue for Rajasthan to get his name enrolled in a book or register to be kept for the purpose.

17. Every Revenue Agent enrolled as aforesaid shall receive an enrolment certificate (in form Appendix 3) on a nonjudicial stamp worth an amount provided by Part III, Second Schedule of the Indian Legal Practitioners Act, (Act No. XVII of 1879), provided by such Revenue Agent at the time of application for enrolment. Such certificate shall be issued under the signature of the Chairman and seal of the Board of Revenue for Rajasthan.

18. Revenue Agents duly admitted and enrolled as aforesaid may appear and act in such courts as may be specified in their enrolment certificate after filling a memorandum of appearance on stamp paper of the value prescribed in the Court Fees Act.

19. If any person having passed the examination entitling him to be enrolled as a Revenue Agent shall fail to apply for such admission and enrolment for a period of 3 years, he shall not be admitted and enrolled unless by special order of the Chairman, Board of Revenue for Rajasthan.

20. Enrolment certificates will be current for one year only and will be renewed on application to the Registrar, Board of Revenue for Rajasthan on or before expiry of one year from the date of their issue. The application for renewal shall be accompanied by the expiring certificate and renewal fee of an amount equal to half of the original fee.

21. A Revenue Agent, the term of whose enrolment certificate has expired, will not be entitled to practise in any revenue court, unless his certificate is renewed. After expiration of the term it is at the discretion of the Board of Revenue to renew a certificate on recovery of penalty as may be fixed by the Chairman, Board of Revenue but would not exceed Rs. 50/- in any case over and above the prescribed fee.

22. No Revenue Agent shall act for any person in any suit, appeal or proceeding unless he has filed a memorandum of appearance, with a court stamp worth Rs. 2/- authorising him to do so and signed by such person or by his recognised agent and attested by a witness.

23. The following persons are also qualified or recognised for enrolment as Revenue Agents without the necessity of passing the test examination:—

(a) Any person, who prior to the passing or coming into force of these rules, was duly enrolled as a Revenue Agent in any Covenanting State of the Rajasthan.

(b) Any person, who holds a *Sanad* granted by any Covenanting State before formation of Rajasthan to act as Revenue Agent or Vakil or Perokar in any Special or particular Revenue Court or in all Revenue Courts and who is considered by the Chairman, Board of Revenue as a fit or proper person for admission or enrolment as a Revenue Agent.

(c) Any person, who proves, to the satisfaction of the Chairman, Board of Revenue, that he had been practising as a Mukhtar in a Covenanting State which had no law or rules on the subject, prior to the Merger, and whom the Commissioner of the Division concerned recommends as a deserving case and the Chairman, Board of Revenue finds suitable for grant of a certificate to continue practise as a Revenue Agent.

As regards (a), (b) and (c) above, a date will be fixed by the Chairman, Board of Revenue and notified in the Rajasthan Gazette, for submission of applications for enrolment as a Revenue Agent

under these rules. After the expiry of the said date no such application shall be considered.

24. The Chairman, Board of Revenue may suspend him from practising any Revenue Agent holding a certificate issued under these rules on one or more of the following grounds:—

(a) Who is convicted of any criminal offence implying a defect of character which makes him unfit to be a Revenue Agent or for a criminal offence involving moral turpitude.

(b) Who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or

(c) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Revenue Agent, or

(d) who directly or indirectly, procures or attempts to procure the employment of himself, as such Revenue Agent through or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or

(e) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 36 (Chapter VII of the Indian Legal Practitioner's Act XVIII of 1879),

(f) for any other reasonable cause as the Chairman, Board of Revenue may determine.

25. No suspension of a Revenue Agent shall be ordered, unless an enquiry has been made by the Chairman, Board of Revenue into the allegations or charge or charges against him, and unless and until the Revenue Agent concerned has been given a sufficient opportunity of defending himself against the charge or charges imputed to him.

26. A Revenue Agent who is suspended, shall forthwith deliver up his certificates to the Registrar, Board of Revenue for Rajasthan.

27. Any Revenue Agent, failing to deliver up his certificate, as required by rule 26 shall be liable to a fine by the Chairman, Board of Revenue for Rajasthan, not exceeding Rs. 200/-

28. Any Revenue Agent, who under the above mentioned provisions has been suspended and who, during such suspension is found practising in any Revenue Court and any person not authorised to practise under the above mentioned provisions, who is found practising in any Revenue Court or before any Revenue Officer, shall be liable by the order of the Chairman, Board of Revenue for Rajasthan to a fine not exceeding Rs. 500/-

29. Every Revenue Court or person concerned shall have power to report to the Registrar, Board of Revenue regarding conduct or unprofessional dealing of a Revenue Agent, together with its marks.

30. If an applicant for enrolment as a Revenue Agent holds any appointment under Government or local body or carries on any trade or business the Board of Revenue may refuse to admit him or pass such orders on his application as they think proper.

31. Any person who having been enrolled a Revenue Agent if accepts any appointment under Government, local body or private concern or enters into any trade or other business shall give notice thereof to the Board of Revenue which may thereupon suspend such Revenue Agent from practising or pass such orders as the Board may deem proper.

32. In case any doubt or dispute with regard to the interpretation of any provision of the rules, reference shall be made to the Chairman, Board of Revenue for Rajasthan whose decision thereon shall be final.

APPENDIX I,

Application of
for permission to appear at the Revenue Agent's Examination (Rule 7).

1. Name of the applicant
2. Father's name
3. Caste
4. Age
5. Residence (Full address)
6. Educational Qualifications
7. Detail of certificates of character etc. accompanying the application

Dated

Signature of the applicant.

APPENDIX II.

Application of
for enrolment of Revenue Agent (Rule No. 16).

1. Name of the applicant
2. Father's name
3. Caste
4. Age
5. Residence (Full address)
6. No. and date of the Revenue Agent examination certificate issued by the Board of Examination.
7. Name of the court in which he ordinarily desires to practise

Dated

Signature of the applicant

APPENDIX III.

Board of Revenue for Rajasthan.

CERTIFICATE OF ENROLMENT.

Number.....Date of issue.....

Name of the Revenue Agent... ..

His father's name, caste etc.....

Name of the court or courts in which he is authorised to

practise

Period for which the certificate is allowed.....

Remarks.....

Seal of the Board

Date.....

Signature of Registrar,
Board of Revenue for Rajasthan.

Notification under

LEGAL PRACTITIONERS' ACT, 1879.

Published in Raj. Raj-patra Dated August 28, 1951

Jaipur, August 28, 1951.

No. F. 8 (39) L. R./51-II.—In exercise of the powers conferred under section 1 of the Legal Practitioners Act, 1879 (XVIII of 1879), the Government of Rajasthan is pleased to extend all of the provisions of the rest of the said Act to the whole Rajasthan with effect from the 1st April, 1951.

By Order of
His Highness the Rajpramukh,
ANOP SINGH,
Secretary to the Government.

Rules and Notifications under

LEGISLATIVE ASSEMBLY (OFFICERS AND MEMBERS
EMOLUMENTS) ACT, 1952 AND 1957 THE RAJASTHAN
(15 OF 1952 AND 6 OF 1957).

Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1958.

Notes.

These rules have been framed in exercise of the powers conferred by clauses (a) and (b) of sub-section (2) of section 11 of the Rajasthan Legislative Assembly (Officers' and Members' Emoluments) Act, 1956, Section 11 of the Act authorises the State Government to make rules for carrying out the purposes of the Act. Without prejudice to the generality of this power such rules are required to prescribe the conditions and restrictions subject to which daily allowance may be drawn and conditions under which and journeys for which travelling allowance may be claimed. These rules prescribe these matters in respect of the members of the Legislative Assembly.

Previous to the Act No. 6 of 1957, the Rajasthan Legislative Assembly (Officers' and Members' Emoluments) Act, 1955 was in force but the same was repealed by Rajasthan Ordinance No. 9 of 1956. The said Ordinance has thereafter been repealed by Act No. 6 of 1957.

Sub section (2) of section 13 of Act No. 6 of 1957 provides that the rules framed under Act No. 15 of 1952 shall continue to be in force and shall be deemed until new rules are made under this Act (No. 6 of 1957), to have been made thereunder. The present rules have been newly framed under Act No. 6 of 1957. The old rules framed under Act No. 15 of 1952 vide Law Department Notification No. D (1891) L/52 dated 25/7/52 published in Rajasthan Rajpatra part IV (B), dated 2/8/1952 therefore Stand repealed by the present rules.

Law and Judicial (A) Department

NOTIFICATION

Jaipur, July 12, 1958.

No. F. 3 (3) LJ/A/57.—In exercise of the powers conferred by clauses (a) and (b) of sub-section (2) of section 11 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956, (Rajasthan Act 6 of 1957) and in supersession of the Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1952, of the pre-reorganisation State of Rajasthan, the Government of the State of Rajasthan is pleased to make the following rules governing the payment of travelling and daily allowances to members of the Rajasthan Legislative Assembly—

RULES

1. (1) These rules may be called the Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1958.

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Rajasthan Legislative Assembly (Officers and Members' Emoluments) Act, 1956, (Rajasthan Act 6 of 1957);

(b) "Assembly" means the Rajasthan Legislative Assembly;

(c) "Chief Public Office" means—

These Rules have been first published in Rajasthan Raj-patra Dated August 21, 1958 in part IV (c) at page 806:

2] Raj. Legislative Assembly Members Travelling and Daily Allowances

- (1) at the headquarters of a the office of the District, Collector,
- (2) at the headquarters of a the office of the Tehsil, Tehsildar, and
- (3) at other places, the Police Station or if there be no Police Station the Post Office or if there be no Post Office the point so declared for the purpose of these rules by the Speaker;

(d) "Committee" means a Select Committee of the Assembly or a committee constituted under the Assembly rules or committee appointed by the Speaker;

(e) "Day" means a calendar day beginning and ending at midnight;

(f) "Meeting" means a meeting of the Assembly or a meeting of a committee;

(g) "Session" means the whole period of legislative session from the time when the Assembly is assembled to the time when it is prorogued or adjourned *sine die*, whichever is earlier.

3. A member, who attends a meeting, may draw travelling allowance and daily allowance at rates specified in the Act subject to conditions and restrictions prescribed in these rules.

4. (1) A member, who proceeds to attend a session or meeting from a place other than his usual place of residence or returns there to on termination thereof may draw travelling allowance admissible to him either from or to the place from which he proceeded or his usual place of residence, whichever is less.

Explanation.—Where the usual place of residence of a member lies outside the State of Rajasthan, any other place within the State nearest to the usual place of residence that may be named by the member shall, for the purpose of these rules, be deemed to be his usual place of residence.

(2) Except as otherwise provided in rules 6 and 7, a member may draw travelling allowance only for the journey undertaken by him when first proceeding to attend a session of the Assembly or a meeting of a Committee and for his return journey after the close of such session or meeting.

(3) Notwithstanding anything contained in this rule, if a meeting of a committee is called when the Assembly is in session, a member shall not be entitled to draw travelling allowance for a journey undertaken by him for the purpose of attending such mee-

ting if he has already drawn travelling allowance for the journey performed by him for attending the session of the Assembly.

(4) Notwithstanding anything contained in the foregoing sub-rules a member shall not be entitled to travelling allowance for a journey undertaken to attend a meeting—

(a) if his usual place of residence is within a radius of five miles of Jaipur or other place fixed by Government for a such meeting, or

(b) unless, in the case of a meeting of the committee, he attends such meeting for at least half the period of its duration on one day.

5. (1) A member attending a session of the Assembly may draw daily allowance at the rate specified in the Act for each day of the duration of that session and a period not exceeding two days immediately preceding the commencement of the session and not exceeding one day immediately succeeding the end of the session.

Provided that no claim for daily allowance shall be made for any such day unless the member has resided in that place where the session is held for at least eight hours on that day:

Provided also that, save in cases in which a member is unable to attend a meeting of the Assembly owing to illness, he shall not draw allowance for any such day on which the meeting of the Assembly was held but which he did not attend

(2) A member attending a meeting of a committee shall be entitled to daily allowance for the day or days of such meeting and intervening holidays, if any, as well as for one day immediately preceding the commencement of the meeting and one day immediately succeeding the end of the meeting and the provisos to sub-rule (1) shall apply.

6. (1) If a meeting is called within ten days before the commencement of a session, a member who has drawn travelling allowance for the journey performed by him for the purpose of attending such meeting shall be entitled to draw—

(b) if he remains, during the period between the adjournments or close of the meeting, as the case may be, and the commencement of the session at the place where such meeting is held, daily allowance at the rates specified in the Act; or

(b) if he leaves such place during such period, travelling allowance under rule 4 performed by him after the adjournment or close of the meeting, as the case may be, and also for the journey performed by him for attending such meeting, provided that the aggregate of such travelling allowances shall not exceed the amount of the daily allowance that would be admissible to him under clause (a) of this sub-rule if he remains in such place during such period.

(2) If a meeting is called within ten days after a session of the Assembly has been prorogued, a member who has drawn trave-

ling allowance for the journeys performed by him for the purpose of attending such session shall be entitled to draw—

(a) if he remains, during the period between the prorogation of the session and the holding of the meeting at the place where such meeting is held, daily allowance at the rate specified in the Act; or

(b) if he leaves such place during such period, travelling allowance under rule 4 for the journey performed by him after the prorogation of the session and also for the journey performed by him for attending such meeting, provided that the aggregate of such travelling allowance shall not exceed the amount of daily allowance that would be admissible to him under clause (a) of this sub-rule if he remains at such place during such period.

7. Where a member absents himself for less than ten days during a session or a meeting for visiting any place within the state of Rajasthan, he shall be entitled to receive travelling allowances in respect of such journey to such place and for the return journey at the rates admissible for the time being to Government servants of the first class irrespective of the mode of travel or the class in which the member actually travels:

Provided that for the parts of journey between place not connected by rail he shall be entitled to mileage allowance at the rates admissible to Gazetted Officers of the first class:

Provided further that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such member under rule 5 for the days of absence if he had not so remained absent.

8. (1) For the purpose of calculating travelling allowance a journey between two stations is held to be performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.

(2) The shortest route is that by which the travelling member can most speedily reach his destination by the ordinary mode of travelling.

Note :—The ordinary mode of travelling between places connected by rail is that which travellers habitually use, viz., the railway.

(3) When a journey is performed by a motor car between places connected by a railway, travelling allowance shall be limited to what would have been admissible had the member travelled by rail.

Note :—Cases for travelling allowance at rates admissible for road travel shall be restricted to the distance from the point of commencement of the journey to the nearest railway station.

(4) A member who is allowed free transit by rail shall be entitled to draw only one-half of the first class fare for the journey.

(5) A member who performs a journey by air may draw only the travelling allowance admissible to him if the journey were performed by rail or by road.

(6) The points in any station from which a journey is held to commence and at which it is held to end, are the chief public offices in such station and the place where the business of the meeting may be transacted respectively.

9. Notwithstanding anything contained in these rules, a member shall not draw travelling allowance or daily allowance under these rules if, for the same journey or the same halt or attendance, he has drawn any such allowance from the Government in another capacity.

10. (1) Bills shall be prepared in duplicate on printed forms to be obtained from the Secretary to the Assembly and shall be sent to him, one of the copies being stamped and receipted.

(2) The hours of departure and arrival shall be noted in the columns for the purpose. Fractions of a mile in the total of the claims for a particular journey shall not be charged for.

(3) The usual place of residence of the member and the name of the treasury shall be entered in manuscript in the space at the end of the form.

11. (1) Before a Bill is submitted; the member concerned shall endorse thereon certificates in the following forms:—

(i) "Certified that I resided atfor the day for which daily allowance has been claimed, for the purpose of attending the Session of the Assemblymeeting of the Committee appointed by the Assembly."

(ii) "Certified that I have not already drawn travelling allowance for the same journey or daily allowance for the same halt or for the same attendance made by me in any other capacity."

(2) A member claiming travelling allowance for a journey performed by him for attending the meeting of a Committee shall certify that he attended such meeting for at least one whole day.

(3) A member claiming daily allowance for any day for attending the meeting of a Committee shall also certify that he attended such meeting for least half the period of its duration on that day.

(4) A member claiming daily allowance for any day on which a meeting of the Assembly is held shall also certify that he could not attend such meeting on account of illness.

12. (1) The Secretary of the Assembly shall be the Controlling Officer in respect of travelling allowance and daily Allowance claims of members.

(2) In the absence of the Secretary or when he is occupied otherwise, the Deputy Secretary or the Administrative Officer or the Assistant Secretary of the Assembly shall perform this duty.

6] Raj. Legislative Assembly Members Travelling and Daily Allowances

13. On any point on which these rules are silent, the rules applicable to an officer of the first class and other relevant provisions of the Government of Rajasthan Travelling Allowance Rules will *mutatis mutandis* apply to members in so far as they are not inconsistent with the Act and these Rules.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

The Rajasthan Legislative Assembly officers official Journeys Rules, 1957.

Law and Judicial (A) Department
NOTIFICATION

Jaipur, December 14, 1957.

No. F. 13 (6) L/55.—In exercise of the power conferred by clause (c) of sub-section (2) of section 11, read with sub-section (4) of section 5, of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957); the Government of Rajasthan is pleased to make the following rules, namely:—

1. *Title*.—(1) These Rules may be called the Rajasthan Legislative Assembly Officers Official Journeys Rules, 1957.

Notes

Sub-Section (4) of Section 5 of the Act requires the State Government to make rules for specifying the Class of journeys which shall be deemed to have been undertaken by the Officers of the Legislative Assembly in the discharge of his official duties. Clause (C) of Sub-Section (2) of Section 11 also requires the State Government to make rules for this purpose. The present rules have, therefore, been framed with a view to specify the said classes of journeys.

(2) They shall be deemed to have come into force on the 12th January, 1957.

2. *Official Journeys*.—The following classes of journeys undertaken by any officer of the Rajasthan Legislative Assembly shall be deemed to be official journeys for the purposes of clause (ii) of sub-section (3) of section 5 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), namely:—

(a) journeys to attend conferences of presiding officers or deputy presiding officers of legislative bodies in India or of any committee thereof, whether held inside India or outside India;

(b) journeys to the venue of the Parliament of India or of any other legislative body in India to study its procedure or for consultation;

(c) journeys performed within the State for inaugurating or presiding over any public function or for participating in any function arranged by the State Government or any local authority or for receiving civic addresses;

(d) Such other journeys of the same nature as may be certified by the State Government to be official journeys.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

The Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1957.

Law and Judicial (A) Department

NOTIFICATION

Jaipur, May 29, 1957.

No F. 13 (7) L/55.—In exercise of the power conferred by clause (e) of sub-section (2) of section 11, read with section 9, of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), the Government of the State of Rajasthan is pleased to make the following Rules specifying the medical facilities to which members of the Rajasthan Legislative Assembly shall be entitled, namely :—

1. *Short title.*—These Rules may be called the Rajasthan Legislative Assembly Members (Medical Facilities), Rules 1957.

Notes

Section 9 of the Act provides that every member of the Legislative Assembly shall be entitled to such medical facilities as may be prescribed. Clause (e) of sub-section (2) of Section 11 of the Act requires the State Government to prescribe such facilities. Present rules have, therefore, been framed for this purpose.

2. *Appointment and duties of a part-time medical officer.*—

(1) There shall be appointed by the State Government a part-time Medical Officer of the first class to attend to the members of the State Legislative Assembly.

(2) Every day during each session of the State Legislative Assembly, such officer shall be available for two hours in the morning at the dispensary in the Government Hostel at Jaipur, and he shall also during the said hours attend upon any Members of the said Assembly in their rooms in the Government Hostel as well as in other places allotted by the State for the purpose if they are so ill that they cannot attend the dispensary in the Government Hostel and send a requisition for the doctor.

2A. *Medical Officer to attend on members coming to Committee meetings.*—Beyond the period of a session of the State Legislative Assembly, the Medical Officer appointed under rule 2 will be available to a member of the said Assembly coming to Jaipur for participating in a meeting of a committee thereof, ordinarily at the place where such officer normally works during his office hours:

Provided that, in case of emergency or when such member is not in a condition so as to be able to move, the said Medical Officer shall, when called attend upon such member at the latter's residence.

3. *Fees and allowances for visits.*—(1) For visits to attend on a member of the State Legislative Assembly under Sub-rule (2) of rule 2 of rule 2A the Medical Officer appointed under rule 2 shall not charge any fee.

(2) Notwithstanding the provision contained in sub-rule (1), a conveyance fee of two rupees per visit shall be payable to the Medical Officer if called by a member.

(a) outside the duty hours specified under sub-rule (2) of rule 2, or

(b) under rule 2A.

(3) No conveyance fee shall be payable if the Medical Officer is called for the treatment of a member of the Rajasthan Legislative Assembly at any time at the place where the sitting of the state Assembly or any meeting of a committee thereof is being held.

(4) The Medical Officer shall be allotted a room in the Government Hostel at Jaipur free of charge to maintain his dispensary during each session of the State Legislative Assembly.

4. *First Aid Boxes.*—Two fully equipped first aid boxes shall be installed, one at the place where the Assembly sittings are usually held and the other at the Government Hostel at Jaipur.

5. *Free supply of medicines.*—All drugs, vaccines and other medicines as are sanctioned to be stocked in the dispensary referred to in sub-rule (4) of rule 3 and which are normally administered free shall be supplied to the members free of charge for their own treatment.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

The Rajasthan Legislative Assembly (Officers and Members Emoluments) (Housing Facilities) RULES, 1956.

Notes

Section 6 A of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952 provides that every member of the Rajasthan Legislative Assembly shall be entitled to such housing facilities as may be prescribed. Clause (iv) (b) of sub-section (2) of section 8 of the Act requires the State Government to make rules for prescribing the housing facilities to which the members of the Assembly shall be entitled. The present rules have, therefore, been framed with a view to meet the aforesaid purpose.

These rules are in force by virtue of sub-section (2) of Section 13 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 which provides that the rules framed under Act No. 15 of 1952 shall continue to be in force and shall be deemed, until new rules are made under new Act, to have been made thereunder.

(ENGLISH TRANSLATION)

Authorised by His Highness the Rajpramukh.]

NOTIFICATION.

Jaipur, August 2, 1956.

No. F. 13 (1)-L/56.—In exercise of the powers conferred by section 8 read with section 6 A of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1952, (Rajasthan Act XV of 1952) the Government of Rajasthan hereby makes the following rules, namely:—

PRELIMINARY.

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Legislative Assembly (Officers and Members Emoluments) (Housing Facilities) Rules, 1956.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) “accommodation” means accommodation in the Hostel;

(b) “Estate Officer” means the Estate Officer of the State Government in the Public Works Department (Building and Roads, at Jaipur;

(c) “Government Hostel” or “Hostel” means the Government Hostel situated at Mirza Ismail Road, Jaipur;

(d) “member” means a member of the Rajasthan Legislative Assembly;

(e) “occupant” means a person occupying a room in the Hostel, and “occupation” shall be construed accordingly;

(f) “Supervisor” means the officer for the time being in charge of the Government Hostel.

ALLOTMENT OF ACCOMMODATION IN THE HOSTEL.

3. *Amenities regarding housing.*—Subject to the availability of accommodation and subject to the other provisions of these rules, every member shall be entitled to accommodation in the Government Hostel in accordance with these rules.

4. *Allotment of accommodation to non-members.*—(a) Accommodation in the Hostel is primarily meant for the use of members.

(b) When accommodation is vacant and is not likely to be required for members, the Estate Officer may allot accommodation for temporary periods to Government Officers not below the rank of a Gazetted Officer, or an ex-member of the Rajasthan Legislative Assembly or a member of the Central Legislature or a member of any other State Legislature India.

(c) The persons referred to in clause (b) will be allowed this accommodation on the express condition that they will have to vacate it at 24 hours' notice if the accommodation is required for a member. The Estate Officer shall be responsible for seeing that no member is deprived of accommodation on this account.

5. *Classification of accommodation.*—(a) Accommodation in the Hostel shall be classified according to 4 types of suites as follows:—

(i) Single Bed rooms with individual attached bath rooms.

(ii) Single Bed rooms with common bath room between two rooms.

(iii) Double seated rooms with attached bath room.

(iv) Double seated Bed room with bath room allotted to a single member.

(b) The double-seated rooms are intended to accommodate two persons at a time. If at any time the demand for these rooms is less than the number available, it will be open to the Estate Officer to allot a double seated room to a person payment of full rent.

6. *Priority of allotment.*—Allotment of accommodation shall be made in accordance with the priority of date of application. In the case of prior reservations made with effect from a specified date, the reservation will not be retained beyond 48 hours. The period during which the reservation was effective will be charged for in full.

RENT.

7. *Daily rent.*—(a) The following daily rates of rent shall be charged for the above suites:—

	For members
(i) Single Bed rooms with individual attached Bath rooms.	Rs. 1/4/. per day.
(ii) Single Bed rooms with common Bath room between two rooms.	Re. 1/-/- per day.

- (iii) Double seated rooms with attached Bath room to members. Rs. 1/12/- per day
- (iv) Double seated Bed rooms with Bath room allotted to a single member. Rs. 1/8/- per day.

Note—Rent for non-members is governed by separate rules.

(b) These charges are inclusive of electric light and fans, water and furniture. If other electric appliances like radio, heater and the like are used, an additional charge of -/8/- per day shall be made for a radio and Re. 1/- per day for a heater or other appliance.

8. *Accommodation on annual rental basis.*—(a) The Estate Officer may allot suites in the Hostel to members on an annual rental basis to the extent of 50% of the total accommodation available.

(b) In case there are any lady members, such accommodation shall be reserved for them separately.

(c) If the number of members asking for accommodation on annual rental basis is more than the number of suites available, the allotment shall be made by ballot. The rates of annual rent shall be as follows:—

- (i) Single Bed room with individual Bath room. Rs. 338/- per annum.
- (ii) Single Bed room with common Bath room between the two. Rs. 270/- per annum.
- (iii) Double seated rooms with attached Bath room reserved for two members Rs. 500/- per annum.

(d) Any member wishing to relinquish accommodation held on an annual rental basis shall give not less than one month's prior notice to the Supervisors and shall pay rent for the period of such notice.

9. *Calculation of rent.*—Full rent for one day shall be charged for the occupation of a suite for 24 hours or any shorter period, provided that no extra charge shall be made for stay not exceeding 4 hours after the first 24 hours.

10. *Garage and servants room.*—(a) Garages and servant's rooms attached to the Hostel can be held on rent, subject to availability at an additional charge of annas eight (-/8/-) per day per garage and servant room respectively for so long as the person himself resides in the Hostel. In no case shall a garage be kept occupied by a person when his car is not in Jaipur.

(b) The allotment of garages and servants quarters shall be made by ballot in case more applications are received than the number available.

TRANSFER OF ROOMS AND VACATING

11. *Transfer of accommodation and permitting other persons to stay.*(a) A member to whom accommodation has been allotted in the Hostel shall not transfer it to any other person (whether a member or otherwise) without the permission of the Supervisor.

(b) A member may permit any other person or persons to occupy accommodation jointly with him, subject to the following conditions:—

- (i) he should give intimation to the Supervisor of the names of persons staying with him;
- (ii) where the other persons are not members, an additional charge of As. -/8/- per head per day shall be paid by the member, for every such person excluding children below 3 years.

12. *Maximum period and rent for which non-member occupying jointly with a member can stay on.*—(a) A non-member jointly occupying accommodation with a member shall not be permitted to occupy such accommodation with a member shall not be permitted occupy such accommodation for a period exceeding one week after the member himself has left the Government Hostel.

(b) A non-member continuing to occupy accommodation after the member has left shall pay full room rent for the period after the member has left.

13. *Vacating accommodation.*—Every member to whom accommodation is allotted shall vacate it as soon as he leaves Jaipur and shall hand over the key of the room to the Supervisor.

14. *Penalty for unauthorised occupation.*—Any person who occupies or continues to occupy accommodation in the Hostel in contravention of these rules shall be liable to pay rent at double the rates prescribed above without prejudice to any other liability under these or any other rules or under any law.

15 *Entry regarding date and hour of occupation.*—The date and hour of occupation shall be filled in the Guest Register and Room Card by a member immediately after the occupation of the suite allotted to him.

RECOVERY OF RENT.

16 *Payment of rent.*—(a) Occupants shall inform the Supervisor of the time of their intended departure atleast one hour before departure and make necessary entries of vacation in the Guest Register and Room Card. The Supervisor shall then prepare the bill for the rent and shall present it to the occupant who shall pay it in full before he leaves the Hostel.

(b) The rent of suites of rooms allotted to members on an annual rental basis shall be payable in twelve monthly instalments unless the rent is paid in advance.

17. *Monthly list of outstanding dues.*—The Supervisor shall submit to the Estate Officer by the 11th day of each month a list of members who have any outstanding dues unpaid.

18. *Recovery of dues.*—(a) A member against whom any dues are outstanding under these rules shall be informed by the Supervisor without delay and asked to clear them up.

(b) If a member does not clear the bill on the day of vacating the Hostel, his bills shall be sent to the Secretary Rajasthan Legislative Assembly, for recovery from the amounts to be paid to the member from the Assembly Secretariat on account of the bills for allowances or other amounts.

FURNITURE, CATERING AND TELEPHONE.

19. *Furniture and fixtures.*—(a) A list of furniture and fixtures in each suite of rooms shall be prominently displayed in the room.

(b) Occupants shall be responsible for the furniture and fixture noted in the list.

(c) Any shortage or damage, if found, should be reported to the Supervisor, at the time of occupation.

(d) The Supervisor shall check the furniture and fixtures in each suites of rooms as soon as he receives notice of its vacation, and if any shortage or damage is found, shall bring it immediately to the notice of its occupant before he leaves the room, and enter it in the Room Card.

20. *Messing arrangements.*—(a) For the convenience of occupants of the Hostel, messing arrangements, both vegetarian and non-vegetarian, have been provided at the Hostel, with separate kitchens and dining rooms for both types.

(b) Members may make use of this messing arrangement if they like. The messing charges will have to be paid direct to the Hostel caterer on presentation of the bill, at the rates authorised by the Government.

(c) Cooking will not be allowed in the rooms or verandahs of the Hostel.

(d) Details of the meals provided by the caterer and authorised rates for each item shall be prominently displayed in the dining room for the information of the occupants.

21. *Use of musical instruments.*—The use of musical instruments, wireless sets and the like by an occupant should be so restricted as not to be a source of inconvenience to other occupants and shall in no case be permitted beyond 11 P.M.

22. *Postal and telephonic facilities.*—(a) The Supervisor shall arrange for the receipt and distribution of local postal dak of the occupants.

(b) The telephone installed in the Hostel may be used by members for local calls. No trunk call shall be made unless the Supervisor has been informed of it and the trunk calls register has been duly filled in and signed.

ADMINISTRATIVE PROVISIONS.

23. *Supervisor and staff.*—A supervisor and some subordinate staff will be provided by the Government at the Hostel. The staff is strictly enjoined to work inside the premises of the Hostel and is not ordinarily meant for outside work.

24. *Complaints.*—A complaint Book shall be kept in the charge of Supervisor, and occupants may record therein their complaints and also suggestions for improvements. The Supervisor shall submit the duplicate copy of the complaint to the Estate Officer within 24 hours of the record of any complaint for his orders. In cases of urgency, complaints may be addressed directly to the Estate Officer.

25. *Keys of unoccupied room.*—The keys of all unoccupied rooms shall be kept by the Supervisor or by the Chaukidar on duty. One of the Chaukidars shall always be on duty and intending occupants can get their rooms opened at any hour of the day or night.

26. *Switching off lights and fans etc.*—Occupants shall switch off their lights and fans and other electrical appliances when not required or when absent from their room and shall also instruct their servants accordingly.

27. *Loss of property.*—Occupants are expected not to leave any articles value or money about their rooms but to have all such articles or money secured under proper lock and key. The Government shall not be liable in case of theft, nor will it be responsible for any loss or damage caused to occupants' property by accident, fire, or any other cause.

By Order of,

His Highness the Rajpramukh,
LEHAR SINGH MEHTA,
For Secretary to the Government.

Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1961.

GOVERNMENT OF RAJASTHAN LEGISLATIVE DEPARTMENT NOTIFICATION

Jaipur, January 16, 1961.

No. F. 3 (2) Lj/A/60 —In exercise of the power conferred by clause (e) of sub-section (2) of section 11 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), the Government of the State of Rajasthan is pleased to make the following rules specifying the medical facilities to which the members of the Rajasthan Legislative Assembly shall be entitled namely:—

1. *Short title.*—These rules may be called the Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1961.

Definitions.—In these rules, unless the subject or context otherwise requires:—

(a) “hospital” means a hospital maintained by the State Government at the place of meeting and includes a dispensary so mentioned thereat;

(b) “medical attendance” means attendance during the course of a meeting in a hospital at the place of such meeting where a member is treated or in the case of illness which compels such member to be confined to his residence at such place, at such residence, by the medical officer and includes such pathological, bacteriological, radiological or other methods of examination for purposes of diagnosis as are available in such hospital and are considered necessary by the medical officer;

(c) “medical officer” means the medical officer in charge of a hospital at the place of meeting or such other officer therein as the Director of Medical and Health Services for the State may nominate for the purposes of these rules and includes, for the purpose of rule 3, the part time medical officer appointed under that rule;

(d) “medical treatment” means the use of all medical and surgical facilities available in a hospital at the place of meeting in which a member is treated during the course of such meeting and includes :—

(i) the employment of pathological, bacteriological, radiological or other methods as are considered necessary by the medical officer; and

(ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;

(e) "meeting" means a meeting of the Rajasthan Legislative Assembly during a session thereof or a meeting of a committee thereof;

(f) "member" means a member of the Rajasthan Legislative Assembly or of a committee thereof;

(g) "session" means the period starting with the date on which the Rajasthan Legislative Assembly is summoned to meet and ending with the date of the order proroguing the said Assembly.

3. *Appointment etc of a part time medical officer:—*

(1) There shall be appointed by the State Government a part time medical officer of the first class to attend to the members of the Rajasthan Legislative Assembly during the period that the said Assembly is in session.

(2) Every day during each session of the Rajasthan Legislative Assembly, such officer shall be available for two hours in the morning at the dispensary in the Government Hostel at Jaipur and shall also during the said hours attend upon any members of the said Assembly in their rooms in the Government Hostel as well as in other places allotted by the State Government for the purpose if they are so ill that they cannot attend the dispensary in the Government Hostel and send a requisition for the medical officer.

(3) The Medical officer so appointed shall be allotted a room in the Government Hostel at Jaipur free of charge to maintain his dispensary during each session of the Rajasthan Legislative Assembly.

(4) Two fully equipped First Aid Boxes shall be installed, one at the place where the Assembly sittings are usually held and the other at the Government Hostel at Jaipur.

4. *Accommodation in Hospital.*—Every member shall, if he falls ill during the course, and at the place, of a meeting, shall be entitled, free of charge, to accommodation in a hospital in a social ward with a single bed;

Provided that, if accommodation in such a ward is not available, such member shall be provided with accommodation, free of charge, in a special ward consisting of not more than two beds.

5. *Medical attendance*.—Every member shall, during the course of a meeting be entitled, free of charge, to medical attendance at the place of such meeting.

6. *Medical treatment*.—(1) Every member shall, during the course of a meeting be entitled, free of charge, to medical treatment at the place of meeting.

(2) All drugs, vaccines and other medicines as are sanctioned to be stocked in the dispensary referred to in sub-rule (2) of rule 3 or in a hospital in which such member is treated and which are normally administered free shall be supplied to the member free of charge for his own treatment.

7. *Regulation of prescription of medicines*.—(1) Subject to the provisions of rule 6, expensive drugs, laxatives or other elegant and proprietary preparations, not available in a hospital, shall not be prescribed by the Medical Officer for the use of a member when cheaper drugs and medicines of equal therapeutic value are available.

(2) Whenever special medicines or drugs are prescribed, an Essentiality Certificate in the following form shall be issued:—

“I certify that Shri/Shrimati....member, Rajasthan Legislative Assembly, has been under my treatment and that the under mentioned medicines and drugs prescribed by me in this connection were essential for the recovery (prevention of serious deterioration in the condition) of the patient. These medicines and drugs are not stocked in the hospital for supply to patients and do not include proprietary preparations for which cheaper substances of equal therapeutic value are available nor preparations which are primarily food, toilets or disinfectants.

Names of medicines.

Signature and designation of
Medical Officer with date
and place”

8. *Reimbursement of expenditure incurred*.—(1) The expenditure incurred by a member during the course of a meeting at the place thereof in respect of medical attendance or medical treatment or medicines referred to in rule 7 shall be reimbursed to him by the State Government.

(2) The amount to be reimbursed shall be drawn by the member from the Treasury on a salary bill supported by proper receipts and vouchers in respect of each item of expenditure claimed therein and by the Essentiality Certificate in the case of special medicines and the expenditure

4] Raj. Legislative Assembly Members (Medical Facilities) Rules, 1961

on this account shall be debited to the allotment in the State Budget under the proper head:

Provided that the State Government shall not reimburse to the members the cost of preparations which are not medicines but are primarily foods, tonics toilet preparations or disinfectants.

9. *Supersession of existing rules.*—The Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1957 are hereby superseded.

Notes

Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1957 issued by Law and Judicial (A) Department through Notification No. May 29, 1957 stand repeal by virtue of rule 9.

By order of the Governor,

D. C. Sharma

Secretary to the Government.

RAJ. LEGISLATIVE ASSEMBLY MEMBERS (MEDICAL FACILITIES) RULES, 1961

LAW DEPARTMENT NOTIFICATION

Jaipur, April 4, 1963.

No. F. 3 (2) LJ/A/60.—In exercise of the powers conferred by clause (e) of sub-section (2) of section 11 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956, (Rajasthan Act 6 of 1957), the State Government hereby makes the following amendments in the Rajasthan Legislative Assembly Members (Medical Facilities) Rules, 1961, published in the Rajasthan Gazette, Part IV-C, Supplement dated the 6th April, 1961, namely:—

AMENDMENTS

In the said Rules—

(1) sub-rule (2) of rule (7), shall be deleted.

(2) in sub-rule (2) of rule (8), the following words shall be added at the end, namely:—

on production of an essentiality certificate by the Medical Officer in the following form, namely:—

ESSENTIALITY CERTIFICATES

I certify that Shri/Shrimati Member, Rajasthan Legislative Assembly, has been under treatment at the Hospital and that the undermentioned medicines prescribed by me in this connection are essential for the recovery/prevention of serious deterioration in the condition of the patient. The medicines are not stocked in the..... for supply to private patients and do not include proprietary/preparations for which cheaper substances of equal therapeutic value are available for preparations which are primarily foods, toilets or disinfectants.

S.No.	Name of Medicines	Cost.
...	...	Rs.

Signature and Designation of
Medical Officer.

2. Certified that the patient is/was suffering from.....
disease and is/was under my treatment from.....to.....

Signature and Designation of
Medical Officer.

(3) In the proviso to sub-rule (2) of rule 8, between the words "which are not medicines but are" and the words "primarily foods, tonics, toilet preparations or disinfectants", the following words may be inserted, namely:—

declared from time to time by the Director, Medical and Health Services, Rajasthan as.

(4) after the existing sub-rule (2) of rule 8, the following new sub-rule shall be added, namely:—

"[3] the Secretary, Rajasthan Legislative Assembly, shall be the Controlling Officer in respect of the Medical reimbursement claims of the Members:

Provided that in the absence of the Secretary or when he is occupied otherwise, the Deputy Secretary or the Assistant Secretary in the Assembly, may perform these duties.

By Order of the Governor,
LEHAR SINGH MEHTA,
Secretary to the Government.

RAJ. LEGISLATIVE ASSEMBLY MEMBERS TRAVELLING AND DAILY ALLOWANCES RULES, 1964

(Notification No. F. 3 (3) L/64, dated 1-10-64 published in Rajasthan Gazette Part IV-C Extra Ordinary dated 3-10-64)

In exercise of the powers conferred by sub-section (1) of section 11 of the Rajasthan Legislative Assembly (Officers and Members' Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), read with clauses (a), (b), (f) and (g) of sub-section (2) thereof, and in supersession of the Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1958, the State Government hereby makes the following rules, namely:—

1. (1) These rules may be called the Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1964.

(2) They shall come into force at once.

2. In these rules, unless the context otherwise requires, —

(a) "Act" means the Rajasthan Legislative Assembly (Officers and Members' Emoluments) Act, 1956 (Rajasthan Act 6 of 1957);

(b) "Assembly" means the Rajasthan Legislative Assembly;

(c) "Chief Public Office" means,—

(1) at the headquarters, the office of the Collector of a District,

(2) at the headquarters, the office of the Tehsildar, of a Tehsil, and,

(3) at other places, the Police Station or if there be no Police Station, the Post Office, or if there be no Post Office, the point so declared for the purpose of these rules by the Speaker;

(d) "Committee" means a Select Committee of the Assembly or a committee constituted under the Assembly Rules or a committee appointed by the Speaker and includes its sub-committee;

(e) "day" means a calendar day beginning and ending at mid-night;

(f) "Speaker" means the Speaker of the Assembly;

(g) "Meeting" means a meeting of the Assembly or a meeting of a committee ; and

(h) "Session" means the whole period of Legislative session from the time when the Assembly is assembled to the time when it is prorogued or adjourned sine die, whichever is earlier.

3. A member, who attends a meeting, or who under the orders of the Speaker attends to any other business connected with his duties as such member, may draw travelling allowance and daily allowance at the rates specified in the Act, subject to conditions and restrictions prescribed in these rules.

4. (1) A member who proceeds to attend a session or a meeting of committee or to visit a place where any other business connected with his duties as such member is to be transacted for the purpose of attending to such other business under the orders of Speaker, from a place other than his usual place of residence or returns thereto on or before termination thereof, may draw travelling allowance admissible to him either from or to the place from which he proceeded or his usual place or residence, whichever is less.

Explanation.—When the usual place of residence of a member lies outside the State of Rajasthan, any other place within the State nearest to the usual place of residence that may be named by the member shall, for the purposes of these rules, be deemed to be his usual place of residence.

(2) Except as otherwise provided in rules 6 and 7, a member may draw travelling allowance only for the journey undertaken by him when first proceeding from his usual place of residence to attend a session or a meeting of a committee or to visit a place under the orders of the Speaker for the purpose of attending to any other business connected with his duties as a member and for his return journey thereto before or after the close of such session or meeting of the committee or such business.

(3) Notwithstanding that a member has not taken his seat in the House of the Assembly to which he is elected, he shall, subject to the provisions contained in the first proviso to sub-section (1) of section 8 of the Act, be entitled to receive travelling allowance for the journey performed by him for the purpose of taking his seat in the House.

(3) Notwithstanding anything contained in this rule, if a meeting of a committee is called when the Assembly is in session, a member shall not be entitled to draw travelling allowance for a journey undertaken by him for the purpose

of attending such meeting if he has already drawn travelling allowance for the journey performed by him for attending the session of the Assembly.

(5) Notwithstanding anything contained in the foregoing sub-rules a member shall not be entitled to travelling allowance for a journey undertaken to attend a meeting—

(a) if his place of residence is within a radius of five miles of Jaipur or other place fixed by Government for such meeting, or

(b) unless, in the case of a meeting of the committee, he attends such meeting for at least half the period of its duration on one day.

(6) Notwithstanding anything contained in the foregoing sub-rules, a member shall not be entitled to any travelling allowance for a journey undertaken to visit a place for the purpose of attending under the orders of the Speaker to any other business connected with his duties as a member, if his usual place of residence is within a radius of five miles of such place.

5. (1) A member attending a session of the Assembly may draw daily allowance at the rate specified in the Act for each day of the duration of that session and a period not exceeding two days immediately preceding the commencement of the session and not exceeding one day immediately succeeding the end of the session;

Provided that no claim for daily allowance shall be made for any such day unless the member has resided in that place where the session is held for at least eight hours on that day :

Provided also that, save in cases in which a member is unable to attend a meeting of the Assembly owing to illness, he shall not draw allowance for any such day on which the meeting of the Assembly was held but which he did not attend.

(2) A member attending a meeting of a committee shall be entitled to daily allowance for the day or days of such meeting and intervening holidays, if any, as well as for one day immediately preceding the commencement of the meeting and one day immediately succeeding the end of the meeting and the provisos to sub rule (1) shall apply.

(3) For the purpose of determining the day of attendance at meetings, and attendance register shall be maintained by the Secretary in which every member shall sign his name on every day on which he attends a meeting.

(4) A member visiting a place for the purpose of attending under the orders of the Speaker to any other business connected with his duties as a member shall be entitled to daily allowance for the day or days for his stay at that place for the said purpose :

Provided that no claim for daily allowance shall be made for any such day unless the member has resided in the place of his visit for at least eight hours for that day.

(5) Notwithstanding anything contained in this rule, in the event of an adjournment during a session lasting for seven days or more, if a member leaves the place or meeting he shall be entitled to travelling allowance in accordance with rule 3 and if he resides at the place of meeting, he shall be entitled to daily allowance for all the days of his residence at the place of meeting, not exceeding six days.

(6) (1) Where the interval between the termination of meeting of a committee and commencement of a session or between the termination of a session and the commencement of a meeting of a committee at the same place does not exceed five days, and the member concerned elects to remain at such place during such interval, he shall be entitled to draw for each day of his residence at such place, daily allowance at the rate specified in the Act :

Provided that if the member leaves such place during or before the interval, he shall be entitled to travelling allowance, the amount of which will not exceed the total amount of daily allowance which would have been admissible to such member under rule 5 for the days of absence if he had not so remained absent.

(2) When the interval between the termination of a meeting of a committee and commencement of another meeting of the same committee or of another committee at the same place, both of which such member is required to attend, does not exceed three days and member concerned elects to remain at such place during such interval, he shall be entitled to draw for each day of his residence at such place daily allowance at the rates specified in the Act.

Provided that if the member leaves such place during or before such interval, he shall be entitled to draw the travelling allowance, the amount of which will not exceed total amount of daily allowance, which would have been admissible to such member under rule 5 for the days of absence if he had not remained absent.

(3) When there is an interval of—

- (i) more than five days between a meeting of the Assembly and a meeting of the committee under sub-rule (1), or
- (ii) more than three days between a meeting of a committee or another meeting of the same committee or a meeting of another committee under sub-rule (2); and if the member leaves his place of meeting he shall be entitled to claim travelling allowance in accordance with rule 3 and if he resides at the place of meeting, he shall be entitled to daily allowance not exceeding the travelling allowance to which he would have been entitled if he had returned during the interval to his usual place of residence and performed other journey to the place where the next meeting is held.

(4) Where within a period of five days, the session is held at one place and the meeting of a committee is held at some other place, the travelling allowance admissible to a member attending the session and a meeting of the committee shall be restricted to the travelling and daily allowance admissible for a direct journey from the place of meeting of a committee or session to the second place of meeting of a committee or session or vice versa.

(5) When within a period of five days, the meeting of a committee held at one place and another meeting of the same committee or meeting of another committee is held at another place, both of which such member is required to attend, the travelling allowance admissible to a member attending the first meeting at one place and the other meeting at the other place shall be restricted to the travelling and daily allowance admissible for a direct journey from the place of first meeting of the committee to the second place of meeting and vice versa.

7. (1) Where a member absents himself for less than seven days during a session or a meeting of the committee for visiting any place within the State of Rajasthan he shall be entitled to receive travelling allowance in respect of such journey to such place and for the return journey at the rates specified in the Act.

Provided that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such member under rule 5 for the days of absence if he had not remained so absent.

Where a member absents himself for a period of seven days or more during a session or the meeting of a committee, for visiting any place in Rajasthan, no travelling and daily allowance shall be admissible to him.

8.(1) For the purpose of calculating travelling allowance a journey between two stations is held to be performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.

(2) The shortest routes is that by which the travelling member can most speedily reach his destination by the ordinary mode of travelling.

NOTE:—The ordinary mode of travelling between places connected by rail is that which travellers habitually use, viz., the railway.

(3) When a journey is performed by a motor car between places connected by a railway, travelling allowance shall be limited to what would have been admissible had the member travelled by rail.

NOTE:—Cases for travelling allowance at rates admissible for road travel shall be restricted to the distance from the point of commencement of the journey to the nearest railway station.

(4) A member who is allowed free transit by rail shall be entitled to draw only one half of the first class fare for the journey.

(5) A member who avails the facility of free transit by road provided under section 8A of the Act, shall not be entitled to draw the fare for such journey but shall be entitled to claim incidental charges.

(6) A member who performs a journey by air may draw only the travelling allowance admissible to him if the journey were performed by rail or by road.

(7) The points in any station from which a journey is held to commence and at which it is held to end, are the chief public offices in such station and the place where the business of the meeting may be transacted respectively.

(8) Where a member is provided with free board and lodging at the expense of the Government of India or Government of Rajasthan or any other State Government or a Local Fund or authority, he shall be entitled to receive only one-fourth of the daily allowance admissible to him under these rules. If only board or lodging is allowed free to a member, he shall be entitled to receive three-fourths of the daily allowance admissible to him under these rules.

(9) All cases regarding admissibility of a travelling allowance to a member, who arrives at the place where a session or a meeting of a committee is held, without knowledge of the postponement of the session or the meeting of the committee,

including cases or such members as arrive after the session or meeting of a committee is adjourned suddenly shall be determined by the Speaker having regard to the circumstances of each case.

10. (1)(a) Whenever any Government or semi Government dues such as, house rent, water charges, electric charges, furniture rent, telephone charges, etc. are reported by the authority concerned to be outstanding against a member, the amount equivalent to such dues shall be deducted from the next salary or travelling and daily allowances bills of such member.

(b) When a deduction of any outstanding dues mentioned in clause (a) is required to be made from the salary bill of a member, the authority concerned shall intimate the amount of such dues to the Treasury Officer from whose treasury the member draws his salary, and, on receipt of such intimation, the Treasury Officer concerned shall deduct the amount of the dues from the salary bill or bills of the member concerned.

(c) When a deduction of any outstanding dues mentioned in clause (a) is required to be made from the travelling and daily allowance bills of a member, the authority concerned shall intimate the amount of such dues to the Secretary, Rajasthan Legislative Assembly, who shall, on receipt of such intimation deduct the amount of the dues from the travelling and daily allowance bills of the member concerned.

(2) Ordinarily, any non-governmental dues outstanding against a member shall not be recovered from his salaries or allowances, but, where such dues are on account of certain services rendered to him in the course of his duties as a member, such as, when he is on tour with a committee of the Assembly, and the arrangements for such services have been made by or at the instance of private parties at the request of the officers of the Assembly Secretariat and where such member in spite of repeated requests had failed to make payment of such dues, recovery thereof may be effected by the Assembly Secretariat from the salary or travelling or daily allowance bills of such member.

11. Notwithstanding anything contained in these rules a member shall not draw travelling allowance or daily allowance under these rules if, for the same journey or the same halt or attendance, he has drawn any such allowance from the Government in another capacity.

12(1) Bills shall be prepared in duplicate on printed forms to be obtained from the Secretary to the Assembly and

shall be sent to him, one of the copies being stamped and receipted.

(2) The hours of departure and arrival shall be noted in the columns for the purpose. Fractions of a mile in the total of the claims for a particular journey shall not be charged for.

(3) The usual place of residence of the member and the name of the treasury shall be entered in manuscript in the space at the end of the form.

3.(1)(a) Before a bill is submitted, the member concerned shall endorse thereon certificates in the following forms:—

(i) Certified that I resided at for the day for which daily allowance has been claimed, for the purpose of attending the session of the Assembly/meeting of the Committee appointed by the Assembly/under the orders of the Speaker, to business connected with my duties as a member.

(ii) Certified that I have not already drawn travelling allowance for the same journey or daily allowance for the same halt or for the same attendance made by me in any other capacity".

(b) Where no part of journey is performed by a conveyance provided at the expense of the Government of India or the Government of Rajasthan or any other State Government or a Local Fund, the following certificate shall be furnished namely:—

"Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government of India or the Government of Rajasthan or any other State Government or a Local Fund".

(c) Where a member is not provided with free board and lodging at the expense of the Government of India or Government of Rajasthan or Local Fund, the following Certificate shall be furnished, namely:—

"Certified that I have not availed any facility of free board or lodging at the expense of the Government of India or Government of Rajasthan or a Local Fund for the days for which I have claimed daily allowance in the bill".

(2) A member claiming travelling allowance for a journey performed by him for attending the meeting of a committee shall certify that he attended such meeting for at least one whole day.

(3) A member claiming daily allowance for any day for attending the meeting of a committee shall also certify that he attended such meeting for at least half the period of its duration on that day.

(4) A member claiming daily allowance for any day on which a meeting of the Assembly was held but was not attended by him on account of illness shall also certify that he could not attend such meeting for such reason.

14.(1) The Secretary of the Assembly shall be the Controlling Officer in respect of travelling allowance and daily allowance claims of members.

(2) In the absence of the Secretary or when he is occupied otherwise, the Deputy Secretary or the Assistant Secretary of the Assembly shall perform this duty.

15. On any point on which these rules are silent the rules applicable to an officer of the first class and other relevant provisions of the Government of Rajasthan Travelling Allowances Rules will *mutatis mutandis* apply to members in so far as they are not inconsistent with the Act and these rules.

16. If any doubt or dispute arises with regard to the interpretation of any of the provisions of these rules, it shall be decided by the Speaker in consultation with the State Government.

Raj. Legislative Assembly Members Travelling & Daily Allowances Rules, 1964

LAW (A) DEPARTMENT

Jaipur, February 19, 1965.

Notification No. F. 3 (3) — L/54.—In exercise of the powers conferred by sub-section (1) of section 11 of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), read with clauses (a), (b), (f) and (g) of sub-section (2) thereof, the State Government hereby makes the following amendment to the Rajasthan Legislative Assembly Members Travelling and Daily Allowances Rules, 1964, namely:—

AMENDMENT

In the said rules, sub-rule (3) of rule 5 shall be deleted, and sub-rules (4) and (5) shall be re-numbered as sub-rules (3) and (4) thereof respectively.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt-29-2-65]

Raj. Legislative Assembly Members (Free Transit by Road Transport Service) Rules, 1964

LAW DEPARTMENT

Jaipur, December 30, 1964

Notification No. F. 3 (1)—L/64.—In exercise of the powers conferred by section 8 A of the Rajasthan Legislative Assembly (Officers and Members Emoluments) Act, 1956 (Rajasthan Act 6 of 1957), the State Government hereby makes the following amendment in the Rajasthan Legislative Assembly Members (Free Transit by Road Transport Service) Rules, 1964, namely:—

AMENDMENT

In the said rules.—

(1) in rule 2, for clause (d), the following clause shall be substituted, namely:—

“(d) “State Road Transport Corporation” means the Rajasthan State Road Transport Corporation established under section 3 of the Road Transport Act, 1950 (Central Act 64 of 1950)”,

(2) in rule 3, for the expression “State Roadways” twice occurring the expression “State Road Transport Corporation” shall be substituted;

(3) in rule 5, in sub-rule (2), for the expression “State Roadways” the expression “State Road Transport Corporation” shall be substituted;

(4) in rule 6 for the expression “State Roadways” the expression “State Road Transport Corporation” shall be substituted;

(5) in rule 8, for the expression “Rajasthan State Roadways” the expression “State Road Transport Corporation” shall be substituted;

(6) in rule 9, for the expression “State Roadways Department” the expression “State Road Transport Corporation” shall be substituted;

(7) in Appendix A, for the expression “Rajasthan State Roadways” wherever occurring the expression “State Road Transport Corporation” shall be substituted; and

(8) in Appendix B for the expression “Rajasthan State Roadways” wherever occurring the expression “State Road Transport Corporation” shall be substituted.

Rules and Notifications under

RAJASTHAN LIVESTOCK IMPROVEMENT ACT, 1958.

RAJ. LIVESTOCK IMPROVEMENT RULES, 1964

Agriculture (IV) Department

Jaipur, September 18, 1964

Notification No. F. 15 (132) S.C. A./59.—In exercise of the powers conferred by section 27 of the Rajasthan Livestock Improvement Act, 1958 (Rajasthan Act 45 of 1958), the State Government hereby makes the following rules, the same having been previously published in the Rajasthan Gazette, Part III-(B) No. 51 dated 19th March, 1964 as required by sub-section (3) of the said section of the said Act, namely:—

1. *Short title:*—These rules may be called the Rajasthan Livestock Improvement Rules, 1964.

2. *Definitions:*—In these rules, unless there is anything repugnant in the subject or context:—

- (i) “the Act” means the Rajasthan Livestock Improvement Act, 1958 (Rajasthan Act 45 of 1958);
- (ii) “castrate” means to perform an operation in accordance with these rules for the purpose of removing the reproductive power of a Bull and the words “castrated” and “castration” shall be construed accordingly;
- (iii) “entire” means a male Bull possessing full reproductive power;
- (iv) “Schedule” means a Schedule appended to these rules;
- (v) “section” means a section of the Act;
- (vi) “village” means a village to which the Act is extended and in which the Act has been brought into force under section 1;
- (vii) “panchayat” means a panchayat established under the Rajasthan Panchayat Act, 1953 (Rajasthan Act 23 of 1953).

3. *Limit of age beyond which unlicensed or uncastrated Bull not to be kept:*—No person shall keep a Bull which has attained the age of one and half years unless a licence has been granted in respect of such Bull, or such Bull has been ca-

strated in accordance with the provisions of these rules, as the case may be.

4. *Application for licence*:—Where a person keeping a Bull desires to retain such Bull entire after it has attained the age of one and a half years, such person shall, three months before the Bull attains the age of one and a half years, make an application for a licence in respect of such Bull to the Livestock Officer. The application shall state (i) the name and address of the person who keeps such Bull, (ii) the place where such Bull kept, and (iii) the marks, colour, height and other particulars of identification of such Bull.

5. *Inspection of Bull before grant of licence*:—On receipt of such application, the Livestock Officer shall inspect or, may cause the Bull to be inspected as to its age and whether it is suffering from any defect or is affected with any disease mentioned in section 7 (i) (b) and (c).

6. *Grant of licence*:—If on inspection under rule 5, the Livestock Officer is satisfied that the Bull is not suffering from any defect or is not affected with any disease mentioned in section 7 [i] [b] and [c], the Livestock Officer may grant a licence in respect of such Bull in the Form prescribed in Schedule II, and the Livestock Officer shall ordinarily grant a licence for any such Bull so as to provide that there shall be one such Bull for every 60 cows in a village in the State of Rajasthan.

7. *Period of licence*:—The period for which a licence may be granted shall not exceed three years.

8. *Marking of licenced Bulls*:—A Bull in respect of which a licence has been granted shall be marked by means of branding in such manner as the Director of Animal Husbandry may from time to time direct.

9. *Inspection by Livestock Officer when compulsory*:—In case of a grant or revocation of a licence in respect of a Bull on any of the grounds specified in sub-section (1) of section 7, the opinion of the Livestocks Officer, whether the Bull is suffering from any defect or affected with any disease mentioned in section 7 [i] [b] and [c] shall be conclusive.

10. *Renewal of licence*:—Before the period of a licence in respect of a Bull expires, the holder of such licence shall apply to the Livestock Officer for the renewal thereof. On such application the Livestock Officer may renew the licence for a period not exceeding three years, provided that he is satisfied that the Bull in respect of which the licence has been granted is not suf-

fering from any defect or is not affected with disease mentioned in section 7.

11. Transfer of licence:—The holder of a licence may, with the previous consent in writing of the Livestock Officer, transfer the licence to any person who shall have become the keeper of the Bull. On such transfer the Livestock Officer shall make an endorsement on the licence stating the name of the person to whom the licence is transferred and the date upto which the said licence shall be in force.

12. Notice of revocation of licence:—When a Livestock Officer revokes a licence in respect of any Bull, he shall give the keeper of the Bull notice in the Form prescribed in Schedule III.

13. Form of notice of castration:—The notice of castration under section 7 shall be given in the Form prescribed in Schedule IV.

14. Castration:—(1) Every Bull directed to be castrated under section 11 or section 18 shall be effectively de-sexed by a Burdizzo Castrator.

(2) If Livestock Officer is not satisfied with the castration of any Bull, he may castrate and cause the castration to be performed again.

15. Manner of inquiry under section 18:—Before seizing a Bull under sub-section [2] of section 18, the Livestock Officer shall cause an inquiry to be made as to the ownership of the Bull by the panchayat of the Village in which the bull is kept and, where no panchayat is functioning by a committee consisting of the Village Officers and such other residents of the village, not exceeding three in number, as may be appointed by the Livestock Officer in this behalf.

16. Determination of costs maintenance and sale of Bull:—The amount of costs, charges or expenses specified in sub-section [2] of section 18 shall be fixed by the Livestock Officer.

Provided that if the owner or other person who keeps the Bull disputes the amounts so fixed, such amount shall be determined by the Panchayat of the village and, where no panchayat is functioning by a committee constituted in the manner prescribed in the preceding rule. The decision of the panchayat or the committee, as the case may be, shall be final.

17. Duties of the Livestock Officer:—It shall be the duty of Livestock Officer to exercise all or any of the powers conferred on him under the Act or the rules for the purpose of carrying into effect the purposes of the Act, and, in particular, to provide that no Bull which has attained the age of one and a half years, shall remain in any village unless a

licence has been obtained in respect of such Bull, or unless such Bull has been castrated in the manner provided by these rules.

18. *Power of Livestock officer to enter premises*:—The Livestock Officer shall have power to enter any premises or place where he has reason to believe that Bulls are kept between sunrise and sunset, for the purpose of performing any of the duties imposed on him by the Act or the rules:

Provided that the Livestock Officer may before entering such premises or place give notice in writing to the owner or occupier of such premises or place in the Form specified in Schedule I.

SCHEDULE I

(See Rule 18)

To

A.Bresiding at.....Whereas I have reason to believe that you have kept on your premises an entire in your place

Bull I hereby give you notice that I shall enter your premises on* place
Bulls between.....

(here state date) (Here state hours)

for the purpose of inspecting the said Bull; you are hereby warned to keep the Bull ready for inspection and not remove the Bulls

Bull on the aforesaid date from the premises until it is inspected by me. place they are

Dated this the day of 19

SCHEDULE II

(See Rule 6)

Licence to keep a Bull

Mr.

Mrs.

Miss.

of

is hereby

granted a licence, subject to the provisions of the Rajasthan Livestock Improvement Act, 1958 and the Rajasthan Livestock Improvement Rules, conferring upon him/her the privilege of keeping the Bull described in the margin, for breeding purposes in the village of....

S. No.

Name, if any of Bull

To A.Bresiding at..... Whereas it has come to my notice that you keep a Bull described in the margin in respect of which a licence was granted to you on

Branding mark

S. No.....

Name, if any, of Bull

Age

Colour

Height

Marks

Other particulars

And whereas I am of the opinion that

A. the bull appears to be.....

B. there has been a breach of the terms or conditions of the licence in as much as.....

I have under section 7 of the Rajasthan Livestock Improvement Act, 1958, revoked the licence and I give you notice of the said revocation as required by sub-section (4) of the said section 7.

Dated this the..... day of..... 19.....

(Signed)

Livestock Officer

N. B.—A or B should be scored out where necessary.

SCHEDULE IV

(See Rule 13)

To

A.B..... residing at.....

Whereas it has come to my notice that you ^{own} a Bull _{keep}

described in the margin in respect of which a licence is not taken

refused

revoked

not renewed

Name, if any, of Bull:

Now, therefore, in exercise of the powers conferred upon me by section 11 of the Rajasthan Livestock Improvement Act, 1958, I give you notice that the said Bull shall be castrated within one month from the date of the receipt of this notice and that on your failure to do so you shall be liable to be punished under section 14 of the said Act.

Dated this the..... day of..... 19.....

(Signed)

Livestock Officer

Note:—Castration shall be performed by officers of the animal husbandry Department free of charge.

Notification under

RAJASTHAN LIVESTOCK IMPROVEMENT ACT, 1958

AGRICULTURE (IV) DEPARTMENT

Jaipur, July 28, 1967

Notification No. F. 6 (98) Agr./IV/66:— In exercise of the powers conferred by section (3) of section 1 of the Rajasthan Live Stock Improvement Act, 1958 (Act 45 of 1958), the State Government hereby notifies that provisions of sections 2, 3 and 23 to 29 of the said Act shall come into force in the whole of the State of Rajasthan with immediate effect and that the provisions of sections 4 to 22 and 30 of the said Act shall come into force in the Districts of Nagaur, Pali, Jodhpur, Barmer, Jaisalmer, Bikaner, Churu, Sirohi, Sikar, Jhunjhunu, Ajmer, Jaipur, Alwar, Bharatpur, Jhalawar, Jalore, Tonk, Sawai-Madhopur and Ganganagar with immediate effect.

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 21-9-67 Page 708]

Rules and Notifications under

LOCAL FUND AUDIT ACT, 1954. THE RAJASTHAN
(28 OF 1954).

THE RAJASTHAN LOCAL FUND AUDIT RULES, 1955.

FINANCE DEPARTMENT.

NOTIFICATION

Jaipur, May 26, 1956.

No. D. 11-6210/E. 8 (7) F. (AA) 54-55.—In exercise of the powers conferred by section 16 of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act XXVIII of 1954) the Government of Rajasthan hereby makes the following rules for the audit of accounts of local authorities whose accounts have been declared to be subject to audit under the said Act, namely:—

Notes

Section 16 of the Rajasthan Local Fund Audit Act, 1954 authorises the State Government to make rules for the purpose of carrying into effect the provisions of the Act. Without prejudice to the generality of this power such rules are required to provide for the following matters, namely—

(a) the manner and form in which the accounts of a local authority, whose accounts are subject to audit under this Act, shall be kept and presented;

(b) the power and duties of auditors and procedure to be followed by them for conducting an audit and the times at which such audit may be conducted;

(c) the powers and duties of the Examiner;

(d) the periods at which accounts of the local fund of a local authority shall be submitted for audit under section 5;

(e) the officer or officers to be empowered under section 15;

(f) the manner in which all matters required to be published under this Act shall be published; and

(g) all other matters which may be or are required to be prescribed by rules; State Government have framed these rules in exercise of the aforesaid powers.

1. *Short title.*—These rules, may be called Rajasthan Local Fund Audit Rules, 1955.

2. *Definitions.*—In these rules, unless the context requires otherwise,—

(a) “Act” means the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act XXVIII of 1954);

(b) “Form” means a Form appended to these rules;

(c) “Section” means a section of the Act; and

(d) words and expressions not defined in these rules have the meanings assigned to them in the Act.

3. *Empowering of Auditors.*—The accounts of the local authorities whose accounts are declared to be subject to audit under section 4 shall be audited by the auditors (Superintendents of Audit, Senior Auditors or Junior Auditors or other officers, by whatsoever name or names they are called) of the Local Fund Audit Department,

These rules have been first published in Rajasthan Raj-patra dated October 11, 1956 part IV (c) at page 597:

Rajasthan, who are hereby empowered to perform the functions of an auditor under clause (a) of section 3, under the direction and control of the Examiner:

Provided that nothing in this rule shall prevent the Examiner from carrying out an inspection or audit of accounts of any local authority himself at his discretion.

Notes

Clause (a) of section 3 of the Act authorises the State Government to empower any person to perform the functions of an Auditor under the Act. This rule empowers some persons, as named in the rule, to that effect.

REQUISITIONS

4. *Manner of making requisition under section 6.*—(1) The requisitions referred to in clauses (a) and (b) of sub-section (1) of section 6 shall be made by the auditor in Form No. 1 and shall be sent to the Chief Officer or Administrative Officer, as the case may be, or, in his absence, to the Secretary or other head of the ministerial establishment of the local authority by registered post or messenger. If the requisition is sent by a messenger, an acknowledgement from the officer concerned with the date of receipt shall be obtained in the transit book. A record of all requisitions shall be kept in Form No. 2.

Notes

Clauses (a) and (b) of sub-section (1) of section 6 of the Act empowers an Auditor to send requisition for production of documents and attendance of persons concerned. This sub-rule prescribes the form of such requisition.

(2) *Invitation to be sent in the form of letter.*—The invitation, which an auditor may issue in pursuance of clause (c) of sub-section (1) of section 6 to the Chairman or other honorary officers or member of a local authority, shall be in the form of a letter addressed to such officer or member. A copy of every such letter shall be retained in the case file. The invitation shall be sent either by registered post or by messenger and in the latter case, an acknowledgement duly signed by him and dated shall be obtained in a transit book.

Notes

Clause (c) of sub-section (1) of section 6 of the Act empowers an Auditor to invite Chairman or other members or officers of a local authority and call for his explanation for the purposes of any audit. This sub-rule prescribes the form in which such invitation shall be sent and served.

(3) Every requisition or invitation under section 6 shall be signed and dated by the auditor and shall specify a reasonable period, not being less than 3 days, within which it shall be complied with.

5. *Report of non-compliance with requisition.*—If a requisition under clause (a) or a requisition to a salaried servant of a local authority under clause (b), both of sub-section (1) of section 6, is not complied with within the period specified in the requisition,

the auditor shall report the failure to the Chairman of the local authority and if the requisition is not then complied with within the next 3 days thereafter, he shall send the papers to the Controlling Authority, with a brief statement of facts, for further action. A report of non-compliance with a requisition under clause (b) of sub-section (1) of section 6 issued to a contractor or requisition under clause (c) shall likewise be made to the Controlling Authority. A copy of such communications shall be forwarded simultaneously to the Examiner.

6. *Notice of commencement of Audit.*—Notice of the date of the commencement of the audit under sub-section (3) of section 6 shall be given by the Examiner to the Chairman of the local authority, and shall be issued in Form No 3.

Notes.

Sub-section (3) of section 6 requires the Auditor to give to the Local Authority a written notice of not less than two weeks time, of the date on which he proposes to commence the audit. Rule 6 prescribes the form of such notice.

Proceedings for Audit

7 *Conduct of audit to be during office hours.*—Except in cases where the Examiner, in consultation with the head of the office of the local authority, decides otherwise, the auditor shall, for the purpose of conducting audit, attend at the head office of the local authority during office hours

8 *Facilities for conducting audit*—The local authority shall make suitable arrangements to enable the auditor to hold his office for conducting audit.

9. *Removal of documents by auditor.*—The auditor shall not remove any book, voucher or other document from the office of the local authority whose accounts are being audited by him:

Provided that if in case of fraud or for other good reasons he considers it necessary to keep any book, voucher or other document in his possession, he may, remove it after giving a receipt therefor and shall forthwith report the matter to the Examiner.

10 *Correspondence of auditor with office bearers.*—The auditor shall not correspond direct with the President, or Vice-President or Chairman or Vice-Chairman of the local authority whose accounts are being audited by him except for the purpose of reporting an embezzlement or for the purposes mentioned in sub-section (1) of section 6 or for the purposes of rules 5, 16 and 18.

11. *Time for audit.*—Unless otherwise directed by the State Government in any case the accounts of a local authority shall be audited annually in arrears and as far as possible before the close of the succeeding financial year.

12. *Period to be covered by audit.*—Unless the Examiner directs that a test audit for three months accounts, selected at random, should be carried out, accounts for the completed financial year, or years, preceding the date of audit shall ordinarily be taken up for

audit. The Examiner, may, however, have the accounts up-to-date if, in his opinion, such audit is necessary in any particular case:

Provided that in case of test audit of three months, accounts, the accounts for the month of March shall necessarily be included in three months accounts to be selected for the test audit, and this test audit shall include a general review of the accounts of the remaining nine months:

Provided further that in the case of the public works accounts of a local authority a few works shall be selected for detailed audit with connected papers irrespective of the months in which the bills for those works may have been paid.

13. *Detailed Audit.*—A detailed audit of the accounts of a local authority for the whole year may be taken up at discretion of the Examiner if such a course appears to him to be necessary in any case. The Controlling Authority or the State Government may, in special circumstances, request the Examiner to arrange for a detailed audit of the accounts of a local authority for any period.

14. *Special Audit.*—A Special Audit of the accounts of a local authority may be taken up at the discretion of the Examiner if such a course appears to him to be necessary in any case. The Controlling Authority or the State Government may, in special circumstances, request the Examiner to arrange for a special audit of the accounts of a local authority.

15. *Verification of cash balances, etc. in audit.*—At the commencement of or during the audit, the auditor shall verify the cash balances including the unspent balances of permanent and other advances and the securities held by the local authority and the stock of postage and court fee stamps and printed forms kept for issue of receipts for payment received.

Objection Statements

16. *Preparation of objection statements.*—(1) All enquiries which it is necessary for the auditor to make and all objections or remarks made by him during audit shall be made for communicated through an objection statement in form No. 4.

(2) The auditor shall issue such objection statement over his dated signature day by day as the audit proceeds and shall obtain an acknowledgement from the head of the office of local authority with date of receipt entered in the transit book:

Provided that this procedure may be relaxed in the case of local authorities other than Municipal Boards and District Boards.

17. *Return of objection statements.*—The objection statements shall be returned, with the least possible delay, over the dated initials of the head of the office of the local authority together with an explanation with reference to the objection or a statement of the action taken or proposed to be taken to meet the objections raised,

and where necessary, shall also contain replies to the enquiries made by the auditor. All objection statements shall be returned to the auditor with least possible delay, in any case within one or three days before the close of the audit, according as he may direct, irrespective of the fact whether all the objections have been fully answered or not.

18. *Re-issue of objection statements.*—On receipt of the replies to the points raised by the auditor, he shall, where necessary, re-issue for further action any items on which final or sufficient action has not been taken or on which the enquiries made have not been satisfactorily answered. Such re-issues shall be marked as "Further Remarks" in a transit book.

19. *Special reports on frauds or embezzlements or serious irregularities.*—(1) When a fraud or an embezzlement is detected or may reasonably be inferred from any suspicious circumstances, or there is very strong evidence to raise suspicion thereof, or where any serious irregularity is noticed in the accounts, the auditor shall forthwith report confidentially the circumstances in writing to the Chairman in the case of Municipalities and District Boards or Head of the Office in the case of other local authorities concerned and also to the Examiner.

(2) When a fraud or embezzlement has been fully investigated by the auditor, he shall submit a complete report on the case to the Examiner, who shall send copies thereof either to the Controlling Authority or the State Government, as the case may be:

Provided however that where the Chairman or the Head of the Office of a local authority is involved or there are grounds for suspecting his complicity in the fraud or embezzlement or the serious irregularities, neither the preliminary nor the complete report shall be sent to any of these officers last mentioned.

20. *Objections settled to be included in report in certain circumstances*—Objections which have been settled on the spot shall be in the report if the irregularities are of a serious nature or point to any defect in procedure or error in principle.

Audit Reports

Notes

Section 8 of the Act requires that,—*As soon as practicable* after completion of the audit, but not later than three months thereafter, the Examiner shall prepare a report on the accounts audited and examined and shall send such report to the local authority concerned and copies thereof to such officers and bodies as the State Government may direct,

This report, according to section 9 of the Act shall include a statement of—

- (a) every payment which appears to him to be contrary to law;
- (b) the amount of any deficiency, waste or loss which appears to have been caused by the gross negligence or misconduct of any person;
- (c) the amount of any sum received which ought to have been but is not brought into account by any person, and
- (d) any material impropriety or irregularity which he may observe in the accounts of or in the recovery of moneys due to the local authority, other than those mentioned in clauses (a), (b) and (c) above.

The rules under this part contain a detailed procedure on the subject.

21. *Auditor's Report.*—The result of each audit shall be recorded in a report of the auditor which shall be as concise as possible but shall contain all the relevant facts and as far as possible, shall be confined to the points mentioned in clauses (a) to (d) of section 9.

22. *Reports to be in two parts.*—(a) The report shall be in two parts: Part (I) containing important irregularities and Part (II) containing minor defects and technical irregularities.

(b) The details of the vouchers or other documents which have a bearing on the remarks in the audit report shall be given in an appendix or appendices to the report together with reference to the paragraph or paragraphs of the audit report.

23. *Nature of details to be reported.*—The auditor shall—
(a) state in the first paragraph of the report the date on which the audit was taken up, the date when it was completed the period covered by the audit and in case of test audit months of accounts selected for detailed audit;

(b) give in the opening paragraph of Part II of the report on the accounts of a Municipal Board or District Board a statement of assets and liabilities indicating the financial position of the Board with a brief resume of its financial condition. Fixed assets, such as land, buildings, plant and machinery, shall be excluded from the statement, and only liquid assets, such as cash balance in hand or in the Treasury of Bank, investments, advances and outstanding rents, and such liabilities as unspent balance of earmarked grants or revenues, contributions payable, deposits and unpaid bills, shall be included therein;

(c) state whether money borrowed on the security of allocated revenues or received as a grant from Government or other sources for any specific purpose has been expended on such purpose;

(d) state where a sinking fund has been prescribed, whether it is being properly kept up;

(e) state whether all advances and investments by the local authority are fully secured;

(f) state in detail all loans contracted by the local authority and also state whether the prescribed provision has been made for the repayment of the principal and interest out of the revenues of the local authority;

(g) certify where separate accounts for any undertaking have to be maintained, whether they have been so maintained and whether the accounts present a true and correct view of the results of the undertaking for the period under audit;

(h) certify as to the correctness of the annual accounts;

(i) give at the end of the report a brief resume of the matters dealt with in the report and conclude with an opinion on the state of the accounts as a whole;

(j) append to the report :—

- (1) a statement showing the arrears of taxes at the end of the year and the two preceding years in the case of local authorities which impose taxes:
- (2) a statement of accounts for the year showing:—
- (a) under the head "receipts"—
 - (i) the revenue from direct taxes,
 - (ii) the revenue from indirect taxes,
 - (iii) income from properties,
 - (iv) income from miscellaneous sources,
 - (v) Government grants,
 - (vi) extraordinary items of revenue, and
 - (vii) debts, deposits and advances, and
 - (b) under the head "expenditure"—
 - (i) ordinary expenditure,
 - (ii) capital expenditure,
 - (iii) extraordinary expenditure, and
 - (iv) debts, deposits and advances.
- (3) in the case of local authorities receiving grants from the Government, statements, in such forms as may be laid down by the State Government from time to time,—
- (i) showing the gross expenditure, amount disallowed and the net amount admitted for grant under several heads,
 - (ii) setting forth items disallowed for Government grant with reasons therefor,
 - (iii) giving figures of receipts under several heads,
 - (iv) containing miscellaneous objections which do not affect Government grant.
- (4) a comparative statement showing figures of receipts and expenditure as estimated in the Budget (including revised sanction, if any) and as actually spent during the financial year, and
- (5) a review of the previous audit reports—both Parts I and II—with special notice of the important objections which have not been disposed of (objections of a minor nature shall be detailed in an appendix and enclosed with the report).
24. *Examiner's report.*—The report prepared under section 8 of the Act, shall be in two parts, Part I containing important irregularities and Part II containing minor defects and technical irregularities.
25. *Part I of the Examiner's Report.*—(1) Part I of the Examiner's report shall comprise paragraphs dealing with the following subjects:—
- (i) an introduction mentioning the date of the last audit; the date of current audit; time taken in current audit, the period covered by current audit, the names of the Chairman and Officers of the local authority, and the name of the auditor;

- (ii) a review of the previous audit reports—both Parts I & II with special notice of the important objections which have not been disposed of (objections of a minor nature shall be detailed in an appendix and enclosed with the report);
 - (iii) serious breaches of accounts rules;
 - (iv) payments contrary to law, including double payments and overpayments;
 - (v) deficiency or loss of money or other property due to negligence or misconduct,
 - (vi) failure to bring money into account;
 - (vii) any other cases of material impropriety or irregularity, such as abnormal delay in making payments or in realising taxes etc;
 - (viii) defects in procedure which are calculated to lead to fraud;
 - (ix) observations upon the financial position of the local authority;
 - (x) a certificate regarding the proper utilization of Government grants;
 - (xi) a certificate as to the correctness of the annual accounts;
 - (xii) concluding remarks giving a resume of the important matters dealt with in the report and the auditor's opinion on the state of the accounts as a whole.
- (2) The following documents shall be appended to Part I:—
- (a) statement of floating assets and liabilities;
 - (b) separate certificate regarding Government grants for special purposes;
 - (c) certificate regarding the check of financial statements of Government grants for education;
 - (d) memo on the check of annual establishment return of employees who have been allowed to contribute for pension under article 145, Rajasthan Service Rules or are under the pension scheme;
 - (e) a detailed statement of pension contribution credited into the treasury with a certificate to the effect that the contribution was correctly paid;
 - (f) un-rectified objections of previous audits;
 - (g) lists of registers examined; and
 - (h) surcharge statement.

26. *Drafting of audit report.*—The audit report of the Examiner shall be drawn up on foolscap paper, sufficient margin being left for the replies to be recorded by the local authorities. In drafting audit reports great care shall be taken to see that the objections are stated as clearly and concisely as possible and that nothing finds place in the report which cannot be supported by indisputable facts and figures.

27. *Submission of Audit Report.*—The Examiner shall send his Audit Report to the Chairman or other Executive Head of the Local-Authority concerned and a copy thereof to such authorities as the Government may direct.

28 *Reply of Audit Report by Local Authority.*—(1) The Chairman or other executive head of a local authority shall send a reply to the Audit Report of the Examiner as required by section 10 of the Act. A copy of the reply shall also be send by him to the Controlling Authority

(2) The Chairman shall also cause to be presented to a meeting of the local authority the report of the Examiner and the replies to the objections sent to the Examiner. An intimation that the Audit report and the replies have been considered and approved by a resolution passed by the local authority shall be sent by the Chairman or other executive head concerned to the controlling authority and the Examiner.

The Controlling Authority shall also forward his remarks, if any, in respect of the replies so furnished by the local authority to the Examiner within a fortnight of the receipt by him of the reply of the local authority.

Notes

Rules 27 and 28 have been substituted for the previous rules 27 and 28 vide Finance (C&A) Department Notification No. F. 17 (32)/F (AA) 59 dated February 26, 1962, published in Rajasthan Rajpatra, part iv (c) dated April 26, 1962. Previous rules 27 and 28 stood as under.

27. *Submission of audit report*—The Examiner shall forward part I of the audit report to the Chairman of the local authority through the Controlling Authority. Part II of the report shall be sent direct by the Examiner to the Chairman for disposal.

NOTE:—(a) Three copies of the Examiner's report will be sent to the Controlling Authority; one copy to be retained for use in the office of the Controlling Authority; and the other two copies to be sent to the Local Authority. One of the two copies sent to the local authorities will be retained in that office and other to be returned to the Examiner in the manner prescribed in Rule 28.

(b) Two copies of Part II of the Audit Report will be sent to the local authority; one copy thereof to be retained by them and the other to be returned to the Examiner in the manner prescribed in Rule 28.

28. *Return of audit reports by local authorities.*—(1) The Chairman of a local authority shall give the intimation required under section 10 by presenting the audit report, together with the replies to the objections recorded in the margin thereof, at a meeting of the local authority, and the local authority after considering the replies, shall within 7 days from the date of which the report is so presented, return the same together with two separate copies of the replies, to the officers hereinafter mentioned together with three copies of the resolution passed by the local authority approving the said replies :—

(a) Part I—to the controlling authority.

(b) Part II—to the auditor.

Provided that the Controlling Authority shall forward the report together with the replies of the local authority to the objections recorded in the margin thereof as also one spare copy of the replies and two copies of the resolutions passed by the local authority approving the said replies to the Examiner with his remarks, if any, within a fortnight of the receipt by him of the explanation or replies of the local authorities.

(2) On receipt of Part II of the audit report, the auditor should review the replies given and send it back to the local authority through the Examiner for production at the time of the next audit.

29. *Powers and duties of Examiner.*—(1) The Examiner shall exercise general supervision and control over the discharge by the auditors of their duties under the Act.

(2) He may condone a payment made from a local fund which appears to him to be contrary to law provided all the three conditions given below are fulfilled, viz.—

- (i) in his opinion there was no negligence or misconduct on the part of the person making or authorising such payments;
- (ii) such payment was *bona fide* and a similar payment from the same local fund had been condoned before, or had not been objected to in audit, and
- (iii) such payment does not exceed Rs. 25/-.

Miscellaneous

30. *Defalcation of loss in money or stores to be reported by the chairman of Local Authority.*—Whenever any defalcation or loss in money or stores is discovered, the fact shall be promptly reported by the Chairman of the local authority to the Examiner and to the Controlling Authority or the State Government as the case may be, giving in detail the circumstances which led to such defalcation or loss. The Examiner shall then consider whether such loss was due to any fault in the system and, if so, shall issue the necessary instructions. In every other case he shall direct that a special audit be made.

Note:—Nothing in this rule shall prevent the institution of criminal proceedings against any person suspected of or involved in any defalcation or loss of money or stores, should such a course be considered advisable.

G. S. PUROHIT,
Secretary to the Government.

FORM No. 1

L.A.D. 1.

[See Rule 4 (1)].

Local Fund Audit Department Rajasthan
Requisitions Under Rule 4 of Rajasthan Local Fund Audit Rules, 1955.

1	2	3	4	5	6	7	8	9
Date of requisition	Clause of Section 6 (1) under which requisition made.	Name & Designation of the addressee	Description of requisition, & if for production of documents, brief description of documents	Latest date for compliance with requisition.	Signature with date of the auditor.	Date of posting if requisition is sent by post.	If requisition is sent through messenger name of messenger	Remarks.

FORM No. 2

L.A.D. 2

(See Rule 4 (2))

Local Fund Audit Department Rajasthan.

Record of Requisitions (Form 1) Under Rule 4 (i) of the Rajasthan Local Fund Audit Rules, 1955.

1	2	3	4	5	6	7	8	9	10
Date of requisition.	Clause of section 6 (1) under which requisition made.	Name and Designation of the addressee.	Description of requisition, and if for production of documents, brief description of documents.	Latest date for compliance with requisition.	Signature with date of the Auditor.	Date of posting if requisition is sent by post.	Name of messenger	Signature with date of addresssee.	Remarks.

Form No. 3

L. A. D. 3

(See Rule 6)

INTIMATION OF AUDIT

(Rule 6 of the Rajasthan Local Fund Audit Rules, 1955)

LOCAL FUND AUDIT DEPARTMENT, RAJASTHAN

No. Jaipur, dated the195
FromTHE EXAMINER,
LOCAL FUND AUDIT DEPARTMENT,
RAJASTHAN, JAIPUR.

To

THE CHAIRMAN,.....

Shri....., of this Department, will take up the audit of the accounts of the on or about the It is requested that he may be afforded the usual facilities in carrying out his work.

2. It will greatly facilitate work and reduce subsequent correspondence if you will kindly arrange that the objections noted by the above mentioned officer are taken up promptly for settlement. It is further requested that such directions as may be considered necessary, should be given to your staff so as to ensure that all the documents which will be required during the audit are kept in readiness and presented to him promptly.

3. Please acknowledge receipt of this intimation.

Examiner,
Local Fund Audit Department,
Rajasthan.

FORM No. 4

L. A. D. 4

(See rule 16)

Local Fund Audit Department, Rajasthan

(Rule 16 of the Rajasthan Local Fund Audit Rules, 1955)

Audit Objection Statement on the account of . . for the year.....

Date of transaction and No. of Voucher 1	Particulars of transaction 2	Objection or suggestion (with signature & date of the Auditor) 3	Last date fixed by the Auditor for return of the Audit Objection Statement. 4	Reply of the Local Authority (with signature, Date and designation.) 5
Note of admission or fresh remarks by the Auditor. 6	Further remarks of the Local Authority. 7	Remarks by the Auditor on fresh remarks by the Local Authority. 8	Final Remarks by the Examiner. 9	Remarks 10

RAJASTHAN LOCAL FUND AUDIT ACT, 1954

Published in Rajasthan Raj-patra Dated January 17, 1957 part I (b) at page 734

Finance Department
(Accounts and Audit)
NOTIFICATION

Jaipur, December 15, 1956.

No. D. II 6032/F. 16 (4) . (AA)/56.—In exercise of the powers conferred upon the State Government by section 4 of the Rajasthan Local Fund Audit Act, 1954 (Act No. XXVIII of 1954), the Governor of Rajasthan is pleased to order that the accounts of the following local authorities shall be subject to audit under the said Act by the Examiner, Local Fund Audit Department, Rajasthan:—

1. Municipal Boards established under the Rajasthan Town Municipalities Act, 1951 and as amended hereafter.
2. District Boards established under the Rajasthan District Boards Act, 1954 and as amended hereafter.
3. Village Panchayats established under the Rajasthan Village Panchayat Act, 1953 and as amended hereafter.
4. Student Funds in all Government Educational Institutions from and above High School standard.
5. Rajputana University.
6. Court of Wards under the Rajasthan Government.
7. Local Fund Temples under Devasthan Department of the Rajasthan Government.
8. City and Urban Improvement Board, Trusts or Department in Rajasthan.
9. Grant-in-aid given for financing Rural Water-Supply Schemes in Rajasthan.
10. Grant-in-aid paid to non-Government Institutions in Rajasthan.
11. Discharged Prisoners aid Societies under the Control and/or supervision of Jail Department of Rajasthan Government.
12. Local Funds under the Control and/or supervision of Police Department of Rajasthan Government.
13. Local Funds under the Control and/or supervision of Jail Department of Rajasthan Government.
14. Local Funds under the Control and/or supervision of Medical Department of Rajasthan Government.
15. Workmen's compensation Funds in Rajasthan under the control and/or supervision of Labour Department.
16. Soldier's Sailor's and Airmen's Boards in Rajasthan.
17. Boys Scouts Headquarters at Jaipur.
18. Boys Scouts Headquarters at Jodhpur.
19. Boys Scouts Headquarters at Udaipur.
20. Bharat Scout and Guides Associations Jaipur.
21. Bharat Scout and Guides Associations Jodhpur.
22. Boarding Houses under the control and/or supervision of the Rajasthan Government.
23. Dharmshalas under the control and/or supervision of the Rajasthan Government.
24. Meera Sangeet Mandal, Chittorgarh.
25. Gaushala, Banswara.
26. Gadoliya Lohar Training Scholarship Account, Rajasthan.
27. Official Trustees in Rajasthan.
28. Rajasthan State Service Postwar Reconstruction Fund, Jaipur.
29. "Minimum Wages Fund Account" Labour Commissioner, Jaipur.
30. T. B. Fund Sirohi.
31. Charity Fund Accounts Sawai Mansingh Hospital, Jaipur.

By Order of the Governor,
K. N. BHARGAVA,
Additional Secretary to the Government.

Notifications under

RAJASTHAN LOCAL FUND AUDIT ACT, 1954

Published in Raj. Raj-patra part IV (c) dated March 23, 1962, at page 798 :

Finance Department (Accounts & Audit)

NOTIFICATION

Jaipur, February 10, 1961.

No. F. 17 (7) F. (AA)/60.—In exercise of the powers conferred by section 4 of the Rajasthan Local Fund Audit Act, 1954 (Act No. XXVIII of 1954), the State Government hereby makes the following Amendment in this Department Notification No. D II 6032/F. 16 (4) F. (AA)/56, dated the 16th January, 1957, namely:—

AMENDMENT

In the said Notification in item No. 7, the following may be added :—

“which have an income of Rs. 3,000/- and above per year.”

By Order of the Governor,
RAM SINGH,

Secretary to the Government.

Published in Raj. Raj-patra part IV (c) dated January 4, 1962, at page 545 :

(English translation authorised by the Governor)

Revenue (A) Department

ORDER

Jaipur, December 20, 1961.

No. F. 1 f (9) Rev./A/58.—The Government of Rajasthan is pleased to appoint the following authorities to perform the functions and duties of the Controlling Authority under the Local Fund Audit Act (Act No. 28 of 1954) in respect of the bodies/departments mentioned against each :—

Authority.

Body Department

1. Chairman Board of Revenue

Court of Wards under the Rajasthan Government.

2. Commissioner Devasthan

Local Fund Temples under the Devasthan Department, Government of Rajasthan.

By Order of the Governor,
S. D. GUPTA,
Deputy Secretary to the Government.

Rajasthan Local Fund Audit Rules, 1955

Finance (Rev. & Eco. Affairs) Department
(Accounts & Investment)

Jaipur, December 15, 1966

*Subject:—*Local Fund Audit Rules, 1965, amendment to.

Notification No. F. 11 (51) FD/A. & I./63.—In exercise of the powers conferred by section 16 of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act 28 of 1954) the State Government hereby makes the following amendment in the Rajasthan Local Fund Audit Rules, 1955 namely:—

Add the following to rule, 17—

“If the head of office of the Local Authority fails to return the objection memo within the prescribed time, it will be presumed that the objection is accepted and the audit will be at liberty to take such action as warranted under the rules”.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 9-3-67]

Notification under

RAJASTHAN LOCAL FUND AUDIT ACT, 1954

Local Self-Government Department

Order

Jaipur, January 3, 1963.

No. F. 8 (84) LSG/62.—In pursuance of clause (g) of Section 3 of the Rajasthan Local Fund Audit Act, 1954 (Act No. XXVIII of 1954) and in supersession of this Department Notification No. F. 16 (58) LSG/61, dated 8th April, 1961 published in Extraordinary Rajasthan Rajpatra, Part VI (A) of the same date, the State Government hereby appoints with immediate effect the following officers to perform the functions of the Controlling Authority under the Provision of the said Act:—

1. Director of Local Bodies. In respect of Municipal Councils and Municipal Boards of towns with population exceeding 50,000.
2. Collector. In respect of all Municipal Boards of his District except Municipal Councils and Municipal Boards of towns with population exceeding 50,000.

By Order of the Governor,
S. P. SINGH BHANDARI,
Secretary to the Government,

[Pub. in Raj. Gaz. Ex. Part IV (c) dated January 8, 1963 at Page 663]

Rules and Notifications under
INDIAN LUNACY ACT, 1912.

RAJASTHAN LUNACY RULES, 1962.

Home 'B' Department

NOTIFICATION

Jaipur, January 24, 1962.

No. F. 17 (3) HB-Gr.II/61.—In exercise of the powers conferred by section 91 of the Indian Lunacy Act, 1912 the State Government hereby makes the following rules, namely:—

PART I

Preliminary

1. *Short title, extent and commencement.*—(1) These Rules may be called the Rajasthan Lunacy Rules, 1962.

(2) These rules extend to the whole of the State of Rajasthan.

(3) They shall come into force on such date as the Rajasthan Government may by notification in the Official gazette appoint.

Notes

These rules have been made in exercise of powers conferred by section 91 of the Indian Lunacy Act, 1912 which reads as under:—

91. *Power of State Government to make rules.*—(1) The State Government may make rules for all or any of the following purposes, namely:

(a) to prescribe forms for any proceeding under this Act other than a proceeding before a High Court;

(b) to prescribe places of detention and regulate the care and treatment of persons detained under section 8 or section 16;

(c) to regulate the detention, care, treatment and discharge of criminal lunatics;

(d) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another;

[e] to regulate the transfer of criminal lunatics to asylums;

[f] to prescribe the procedure to be followed by District Court and Magistrates before a lunatic is sent to any asylum established by Government;

[g] to prescribe the Government asylums within the State to which lunatics from any area or any class of lunatics shall be sent;

[h] to prescribe conditions subject to which asylums may be licensed;

[i] save as otherwise provided in this Act, generally to carry into effect the provisions of this Act.

[2] In making any rule under this section, the State Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Indian Lunacy Act, 1912.

- (b) "Official Visitor" means any person appointed as a visitor by the State Government under the Act.
- (c) "Section" means a section of the Act.
- (d) "Superintendent" means the Officer-in-charge of an Asylum.
- (e) "Upper staff" means and includes a doctor subordinate to the Superintendent and the Senior-most Compounder on duty.

PART II

Places of detention, care and treatment.

3. (1) The State Government have established the following asylums:—

- (a) Mental Hospital, Jaipur.
- (b) Mental Hospital, Jodhpur.
- (c) Mental Hospital, Udaipur.

4. *Detention of persons under observation.*—(a) A person ordered to be detained under sections 8 and 16 in any district in which there is no asylum shall be sent to a hospital or dispensary where suitable accommodation exists, or to a jail or lock-up, as may seem most appropriate to the Magistrate, regard being had to his apparent condition, the means of accommodation and guarding, and the facilities for skilled observation available in each case.

(b) The Magistrate may at his discretion make special provision for guarding the persons detained by police officers.

5. *Admission of voluntary boarders.*—(a) Any person who wishes to become a voluntary boarder in a Mental Hospital must obtain from the Superintendent a form (Appendix 1), which he will fill up and sign and have it countersigned by two of the official visitors. He should then submit the form to the Superintendent who will admit him for treatment, if suitable accommodation is available.

(b) Voluntary boarders, whose means allow, shall pay at the rates specified from time to time by the State Government but if destitute they may be admitted free.

6. (1) *Intimation to Superintendent that Lunatic is to be received.*—Any authority before making a reception order or an order for admission to any mental Hospital shall communicate direct with the Superintendent or if necessary, the Principal Medical and Health Officer, and ascertain if accommodation is available specifying at the same time the sex, race and caste of the lunatic.

(2) *Inquiry as to the domicile of the Lunatic.*—A Magistrate making a reception order under section 14 or 15 of the Act, shall after ascertaining that accommodation is available, direct the reception of the lunatic into the nearest asylum affording suitable accom-

mmodation. He shall in all cases, make strict enquiry as to the domicile of the lunatic and shall see that entry to that effect is made in the medical history sheet (Appendix III) or is communicated as soon as possible to the Superintendent of the Asylum in which the lunatic is to be admitted.

(3) *Procedure to be followed by Magistrate making recommendation for removal of a lunatic to another State.*—In all cases where a Magistrate recommends removal of a lunatic to another State he shall first satisfy himself that accommodation is available, and that the cost of maintenance will be paid (Section 11). In order to effect the earliest possible treatment of the lunatic, action shall be taken as soon as possible, and the Magistrate shall furnish to the State Government in writing full details as to domicile, reasons for the admission, fees agreed to, etc.

(4) *Report to Government in case of lunatic domiciled elsewhere than in the State.*—As soon as it is known that a lunatic, who has been admitted to asylum in the State of Rajasthan is domiciled elsewhere than in that State, the fact (with details of the case should be brought to the notice of the State Government so that action for the removal of the lunatic may, if advisable, be initiated early with the Government of the State of domicile, under section 35 of the Act.

7. *Transfer and escort of lunatics.*—(1) When a Magistrate has made an order under section 14 or 15 for the detention of a) lunatic in an asylum, he shall arrange, in communication with the Police, for the early despatch of such lunatic with a suitable escort. The reception order, the medical history sheet in the form Appendix III, the evidence of the medical witness if taken, and any other papers that may be necessary or have a bearing on the lunatic's state of mind shall be forwarded to the Superintendent of the asylum by registered post, a duplicate of the order being also given to the escort. If for any reason the medical history sheet or other documents not prescribed by the Act cannot be forwarded at once, they should be furnished later; but the lunatics should not be allowed to remain in a civil hospital or lock-up because these papers are not ready.

(2) No lunatic shall be sent to an asylum unless a medical officer or medical practitioner certifies in the prescribed form (Appendix II) immediately before being sent that he is fit to travel. The originals of such certificates shall be sent to the Superintendent by post.

(3) The magistrate shall satisfy himself that the lunatic is provided with sufficient clothing and bedding for his protection and comfort during the journey. He shall provide the escort with sufficient means to purchase food for the lunatic on the journey and shall instruct the officer-in-charge to take the lunatic to the nearest hospital for treatment in the event of his becoming ill.

(4) A female lunatic shall always be accompanied by a female attendant or relative.

8. *Documents to accompany a lunatic sent to a Mental Hospital.*—The Superintendent shall see that the documents detailed below and such other documents as may be from time to time prescribed accompany every lunatic sent to the asylum and any defect or omission discovered therein shall be brought to the notice of the authority or person concerned with a view to its prompt rectification:—

—A—

Documents to be forwarded by the Magistrate in the case of a lunatic placed under restraint upon petitions:—

1. The reception order (Schedule I, form 2 of the Act).
2. The two medical certificates referred to in section 5 (1).
3. The original application for a reception order and statement of particulars (Schedule I, form I of the Act).
4. If the case has been investigated or sent up by the Police, the more important Police papers (or copies thereof) bearing on the mental condition and history of the lunatic.
5. A certificate of fitness for travelling (Rule 5 (2) and appendix II).

—B—

Documents to be forwarded by the Magistrate in the case of a lunatic found wandering at large, a dangerous lunatic or a lunatic not under proper care and control, or who is cruelly treated or neglected.

1. The reception order (Schedule I, form 5 of the Act).
2. A certificate from a medical officer (Schedule I, form 3 of the Act).
3. The revised form of medical history sheet (Appendix III).
4. If the case has been investigated or sent up by the Police the more important Police papers (or copies thereof) bearing on the mental condition and history of the lunatic.
5. A certificate of fitness for travelling (Rule 5 (2) and Appendix II).

—C—

Documents to be forwarded by the court in the case of a criminal lunatic sent to an asylum under section 466 or 471 of the Criminal Procedure Code and with section 24 of the Act.

1. A copy of the judgement, or where there is no judgement, of the order of the Court. Also, in any case tried by

jury in a sessions court, a copy either of the heads of the charge to the jury or of the Committing Magistrates' order, or of both, as may be considered by the presiding judge to be most useful.

2. The revised form of medical history sheet (Appendix III).

3. If the case has been investigated or sent up by the Police, the more important Police papers (or copies thereof) bearing on the mental condition and history of the lunatic:

4. A Certificate of fitness for travelling (Rule 5 (2) and Appendix II).

—D—

Documents to be forwarded by the Superintendent of the Jail in the case of a prisoner becoming insane while in Jail and being transferred from a Jail to an asylum under section 30 (1) of the Prisoners Act, 1960.

1. The nominal roll of the Prisoner.

2. A copy of the warrant under which he is confined.

3. The Medical Officer's certificate in the form prescribed.

4. The revised form of medical history sheet (Appendix III).

5. A copy of the judgement should also be supplied by the Superintendent of Jail.

—E—

Documents to be forwarded by the military authorities in the case of an insane Indian soldier sent by a medical officer under section 12 of the Act:—

9. *Amendment of papers sent with lunatics.*—The Superintendent shall remedy as far as possible all important deficiencies in the papers forwarded to him with reference to any lunatic, other than the papers referred to in section 27, after communicating with the authority who signed the order for detention, reception or admission or with the certifying medical officer.

10. *Monthly meeting Official visitors.*—(a) A meeting of at least three official visitors, one of whom shall be a medical officer, shall be held once in each month to inspect the asylum, notice being given by the Superintendent, who shall endeavour to arrange the time and date to meet the convenience of the visitors.

(b) The official visitors shall be summoned to the monthly meeting by rotations. One notice shall be sent a week before and another 24 hours before the meeting. When an official visitor is unable to comply with the summons, it is his duty to provide a substitute from the official visitors' list. The substitute for a medical visitor must be a medical visitor. When an official visitor fails to attend a monthly meeting

(or arrange for a substitute if unable to attend) he shall furnish an explanation to the Superintendent for submission to the Principal Medical and Health Officer.

(c) All orders of the State Government relating to the management of an asylum shall be laid before the official visitors at their monthly meeting, together with any remarks of visitors who may have visited the asylum since the last meeting.

11. *Remarks by official visitors in visitor's book.*—An official visitor shall record in the visitor's book any remarks he may wish to make. A copy of such remarks shall be transmitted to the Principal Medical and Health Officer of the district and Director of Medical health services by the Superintendent with such comments as he considers necessary.

12. *Reports by official visitors on criminal lunatics.*—When the official visitors certify that a criminal lunatic detained under section 466 of the Criminal Procedure Code is capable of making his defence or that a criminal lunatic detained under the said code may be discharged, their certificate shall be forwarded to the magistrate or court concerned or to the State Government, through the Superintendent who shall forward with it a report in the manner prescribed in rule 13. When the official visitors certify under section 473 of the said code that a criminal lunatic is capable of making his defence, they shall at the same time state whether he may be safely discharged; a certified copy of their statement shall be forwarded by the Superintendent to the trying court.

13. *Removal and discharge of criminal lunatics detained under Chapter 34 of the Criminal Procedure Code.*—A Superintendent submitting for orders the report of the visitors on the case of a criminal lunatic detained under the provisions of Chapter 34 of the Criminal Procedure Code, shall forward therewith to the Magistrate or court concerned or the State Government, as the case may be, the medical history sheet of the lunatic in the form given in appendix IV accompanied by an abstract from the asylum case book detailing the chief event in his history, recorded opinion with dates regarding his mental attitude while under observation in the asylum and shall state his opinion as to the safety of the proposed procedure. When a report is submitted with reference to lunatic whom it is proposed to deal with under section 474 or 475 of the Criminal Procedure Code, the Superintendent shall also submit in detail his reasons for believing that it is safe to set the lunatic at liberty.

14. *Removal of lunatic prisoner.*—The Superintendent shall *suo moto* submit to the State Government concerning any lunatic prisoner detained under section 30 of the prisoners Act, 1900 whom he considers to have become of sound mind, a report in the manner

prescribed in rule 13 as soon as he considers it safe to return the prisoner to jail to complete his sentence.

15. *Detention of a lunatic prisoner after expiry of sentence.*—When the Superintendent considers it necessary that a lunatic prisoner should be detained after the completion of his sentence he shall submit a report in the manner prescribed in rule 13 not less than 21 days before the expiry of the sentence of the said lunatic prisoner.

16. *Special reports on criminal lunatic detained under the Criminal Procedure Code.*—(a) Superintendent shall submit special half yearly reports regarding criminal lunatics detained under the Provisions of the Criminal Procedure Code on the 1st January and 1st July of each year, a separate report being sub-mitted in each case in the form given in Appendix V.

(b) With these half-yearly reports an abstract statement shall be submitted in the form prescribed, the reports on individual cases being summarised therein.

17. *Discharge of destitute inmates.—travelling expenses.*—When a person detained in a Mental Hospital, who has no means or relations to assist him is about to be discharged and has long distance to go to his native place, a sum sufficient for his travelling expenses shall be given to him by the Superintendent.

18. *Disposal of documents on discharge or death of inmate.*—On the discharge or death of inmates other than criminal lunatics or Military insanes all documents received with them shall be filled. In the case of Military insanes they shall be disposed of in accordance with the military regulations in force.

19. *Escape of an inmate report.*—In the event of the escape of a person received into an asylum an immediate report with a full description shall be made to the Police authorities and within 24 hours to the Principal Medical and Health Officer, Director Medical and Health Services and the Magistrate who had authorised his detention.

20. *Pregnant inmate.*—If a female inmate is found to be pregnant when she is admitted, the fact should be noted in the case book and her family informed at once. If the fact becomes known later, her family should be informed without delay. Whenever it is possible for her family to make arrangements for her confinement outside the asylum the course shall be followed.

21. *Dangerous illness of an inmate.*—If an inmate becomes seriously ill, the fact should be at once notified to his relatives or friends if traceable.

22. *Death of an inmate.*—On the death of an inmate the fact should at once be notified to the relatives or friends, if known, and also to the authority by whom the lunatic was sent to the asylum.

23. *Post-mortem examination.*—A post-mortem examination shall be made after obtaining the necessary order in that behalf from a magistrate in all cases of sudden death (a) in which the cause of death is not known and (b) in which suspicion has arisen as to the cause of death. In other cases a post-mortem examination may be made, if practicable, when it is likely to furnish information as to the nature or cause of insanity. The consent of the relatives, if any, should first be obtained.

24. *Report of death of criminal lunatic or lunatic prisoners.*—A report of the death of a person confined in an asylum under the provisions Chapter XXXIV of the Code of Criminal Procedure 1898, or of the prisoners Act 1900, shall be submitted by the Superintendent to the Principal Medical and Health Officer (and also to Director of Medical and Health Services) who shall dispose of the same after satisfying himself that the standing orders relating to such reports have been duly carried out by the Superintendent.

25. *Funeral expenses*—The funeral expenses of pauper inmates shall be defrayed by the State Government.

26. *Mechanical restraint*—Mechanical restraint shall be used as rarely as possible and only under the orders of the Superintendent.

27. *Permission to visitors to visit an asylum.*—No one unconnected with an asylum shall be permitted to enter the asylum without an order in writing from the Superintendent. It is within the discretion of the Superintendent to refuse a visitor, access to a particular inmate or admission to the asylum.

28. *Hours of visits of friends or relatives.*—Visits of friends or relatives to inmates are permitted on the day and at the hours fixed by the Superintendent. The Superintendent or in his absence his head assistant may give special permission for visits at other times.

29. *Business interviews with inmates.*—Business interviews between visitors and inmates are only allowed with the permission of the Superintendent and in the presence of one of the members of the upper staff.

30. *Letters to and from inmates.*—All letters to and from inmates must pass through the hands of the Superintendent, who will decide whether they should be delivered to the parties concerned.

31. *Male Visitors in female wards.*—Male visitors to an asylum are permitted to enter the female enclosures only with the express permission of the Superintendent in writing. If admitted, they will only be allowed to converse with the inmate in the presence of one of the members of the upper staff.

32. *Private Property of inmates.*—(a) The Superintendent shall keep a Private Property Book in which all property belonging to an inmate brought to the asylum shall be entered.

(b) Articles of small value, cooking utensils, and perishable articles shall be placed in the store room in charge of a responsible officer, to be restored on discharge, if this takes place within a year. After the expiry of this period such articles shall be sold and the proceeds credited to the inmate's account; perishable articles may be so disposed of at an earlier date under the order of the Superintendent.

(c) Articles of value, gold, silver, rings, chains, watches, trinkets, etc. shall be kept in the hospital office sealed packets with the owner's name thereon and will not be disposed of without the sanction of the authority who ordered his confinement. The officer in charge of the safe shall be responsible for these articles.

(d) All sums of rupees ten and above, belonging to any lunatic inmate and found or brought with him on admission to the asylum shall be deposited in the Post Office Savings Bank to the credit of the said inmate and every such account shall be operated by the Superintendent in the interests of the inmate in consultation with his relatives or guardians, if any. Such sums if under Rs 10/ may be kept in safe of the Accountant and may be expended in the interests of the inmate by the Superintendent as and when required. The amounts so kept shall be accounted for in the Private Money Account Ledger of the institution.

(e) The Private Property Book and the Private Money Account shall be examined by Audit Officers in the same as the public accounts, and the property shall be checked by such officers at the time of audit.

33. *Clothing of inmates.*—The Superintendent may permit any inmate to wear his own clothes.

34. *Private servants.*—Inmates may have private servants with the Superintendent's consent if they pay for them. These private servants should as a rule be engaged by the Superintendent and shall work under his control.

35. *Employment of inmates.*—No official of the asylum shall employ an inmate to do any private work.

36. *Penalty* —Whoever commits a breach of the rules 27, 28, 29, 30 and 31 shall on conviction by a Magistrate, be punishable with fine which may extend to Rs. 50/- (Rupees fifty) only.

37. *Discharge.*—An order of discharge made under sections 31 to 34 shall be in the form given in Appendix VI.

APPENDIX (I)

(Vide Rule 5)

APPLICATION FORM FOR RECEPTION.

(For Voluntary Boarders).

To

The Visitors,
Mental Hospital.

Sirs,

I.... ..hereby request that you will authorise the Superintendent... .. Mental Hospital, to receive me into the above mentioned institution as a voluntary boarder under the proviso to sub-section (1) of section 4 of the Indian Lunacy Act IV of 1912.

I hereby engage to pay the cost of maintenance in the Mental Hospital at rate of Rs..... .. per day (or I hereby declare that I am destitute and unable to defray the costs of my maintenance).

I beg to remain,
Sir,

Yours faithfully
Signature of the Applicant.

Address :

Date :

I hereby certify that I am willing to receive Mr... .. for treatment as a voluntary boarder in the (Mrs /Miss.....Mental Hospital ; accommodation for him/her is available.

Date :

Superintendent,
Mental Hospital.

Approved.

Approved.

Signature of the visitor (1)....

... (2)

Date.

APPENDIX II.

(Vide Rule 7 (2)).

Certificate of Fitness for transfer and condition of Health in case of Lunatics sent to asylum.

Station.

Date.

CRIMINAL LUNATIC.

Certified that the lunatic (name) ... is
 in sufficiently good health, and in a fit state to travel from ...
 (name of station) to the Mental Hospital.....
 at.... ..

Sd/- Medical Officer.
 Medical Practitioner.

N. B.—The certificate may be signed by any registered medical practitioner or medical officer.

APPENDIX III.

FORM OF MEDICAL HISTORY SHEET OF A LUNATIC.

(Vide Rule 7 (1)).

N.B.—The ultimate responsibility for the preparation of this form rests with the committing Officer, who must see that the requisite information is supplied by the police and the Medical Officer without undue delay.

Questions to be answered upon information.

Supplied by the Police alone

1. Name of Patient in full and Caste or race.
2. Name of patient's father.
3. Married or single or widowed.
4. Conditions of life and previous occupation (if any).
5. Religion.
6. Place of birth and recent place of abode *or domicile.
7. Whether homeless or living with relatives. %
8. Whether any member of patients family has been or is affected with insanity.
9. Whether the attack is the first attack of insanity or not.
10. Age (if known) at on set of the first attack.
11. Previous history and habits and facts indicating insanity.
12. Duration and nature of any previous attacks.
13. Supposed cause of insanity. ||
14. Duration of existing attack.

Signature.

*Here the name of the lane or street, village police station and district and length of residence should be stated. As much detail as possible should be given.

%This heading should show the names and address of the relatives or persons legally bound to maintain the lunatic (if any), and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the mental hospital and, if not, why not,

×In this the mode of life the patient led, his conduct, reasons for suspecting insanity, history of any particular illness which may have helped to produce his condition of mind, his temperament or any habit of taking or smoking any drug should be mentioned; in the case of a criminal lunatic, also the nature of the crime, the detailed circumstances under which it was committed, how he came to be arrested by the police and the section under which the lunatic was charged and the result of trial in additions to other particulars which may be available.

||Whether he is

Whether he is addicted to any spirits or drugs, and if so, for how long he has been so addicted and what is the quantity habitually taken, whether he is a member of any particular religious or political society; or whether he suffered from loss of property, loss of relatives, domestic troubles, or ill health immediately before the attack.

QUESTIONS TO BE ANSWERED BY THE MEDICAL OFFICER ALONG.

1. Sex and age of the patient.
2. Marks hereby the patient, may be identified.
3. State of bodily health+.
4. Symptoms exhibited.
5. Supposed exciting cause of present attack.
6. Whether subject to epilepsy or any other disease.
7. Whether suicidal.
8. Whether dangerous to others.

Signature.

+In this, the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is or is not suffering from any tubercula disease.

APPENDIX IV. (Vide Rule 13).

Whenever the papers of a criminal lunatic are sent up to the State Government or to a court for orders they should be accompanied by a medical history sheet containing the following particulars:-

1. Name and Sex.
2. Crime.
3. Present age.
4. Physical state.
5. Probable cause of insanity.
6. Type of insanity.

7. Duration of insanity and hasit been continuous, giving dates.
- 8 Has he, while insane, been considered, especially dangerous to others ? If so, give dates.
If reported sane, how long since last manifestation of insanity ?
- 10 What has been his demeanour and conduct while noted as sane.
11. Is he subject to relapse ? If so, give date.
12. Is he capable (a) of taking care of himself, (b) of earning a livelihood ?
13. How has he been employed while in the hospital ?
14. If security is obtainable, its nature and the social position and character of the sureties to be stated.

APPENDIX V

(Vide Rule 16)

MENTAL HOSPITAL.

Half-yearly report regarding criminal lunatics detained under the provision of Criminal Procedure Code on 1st January/1st July-Year 196 .

S.No.	Name	Father's name/ Husband's name.	Resident of	Age.	Sex	Married/un- married
1	2	3	4	5	6	7

Convicted under C.P.C.	Detained in the Mental Hospital under I.L.A 1912 Section	Date of Admission	Present Condition
8	9	10	11

M/O

Superintendent

Mental Hospital.....

APPENDIX VI

(Vide Rule 37)

ORDER OF DISCHARGE.

This is to certify that... ..
 who was admitted to this asylum on... ..
 by order of the... ..was discharged from the
 of asylum onunder section.... ..
 the Indian Lunacy Act (IV of 1912).

recovered

as improved

Not improved

Superintendent, Lunatic Asylum.

By Order of the Governor,

SHIV SHANKAR,

Secretary to the Government.

Notification under

THE LUNACY ACT, 1912.

Published in Raj, Raj-patra Vol. 4 part I at page 329:

Order

Jaipur, June 27, 1952.

No. D. 3954/M. H. /52.—In accordance with section 28 of the Indian Lunacy Act, 1912 which has been extended to the Part B States including Rajasthan with effect from 1st April, 1951, Government have been pleased to appoint the following visitors for the Mental Hospitals at Jaipur and Jodhpur.

For Mental Hospital, Jaipur.

1. District Magistrate Jaipur.
2. Professor of Medicine, S.M.S. Medical College, Jaipur.
3. Seth Sohan Lal Duggar.
4. Principal Medical Officer, S.M.S. Hospital Jaipur.
5. Shri Gulab Chand Kasliwal.
6. Shah Alimuddin, M. L. A.

For Mental Hospital, Jodhpur,

1. Dr. D. N. Chatterji, Physician, M. G. Hospital, Jodhpur.
2. Dr. Satyadeo Arya, A.D.M.H.S., Jodhpur.
3. Shri Shyamlal, Advocate.
4. Shri Indranath Modi, Advocate.

The Inspector-General of Prisons will be an ex-officio Visitor as specified in section 28 (2) of the Act-

CHANDRA DHAR ISSAR,
Secretary to the Government.

Notifications under

RAJASTHAN LUNACY RULES, 1962.

Published in Raj. Raj-patra IV (c) dated September 27, 1962 at Page 501 :

Home 'B-II' Department

NOTIFICATION

Jaipur, September 24, 1962.

No. F. 17 (3) HB-Gr. II/61.—In pursuance of sub-rule 3 of rule 1 of the Rajasthan Lunacy Rules, 1962, the State Government hereby appoints the 1st day of October, 1962 as the date on which the said rules shall come into force.

By Order of the Governor,

R. N. SHIVPURI,

Dy. Secretary to the Government.

Rules and Notifications under

MANOEUVRES FIELD FIRING AND ARTILLERY PRACTICE
ACT, 1938. (CENTRAL ACT No. 5 OF 1938).

The Rajasthan Manoeuvres, Field Firing and Artillery Practice Rules, 1955.

(English Translation authorised by His Highness
the Rajpramukh)

Home Department 'C'

NOTIFICATION.

Jaipur, June 16, 1955.

No. F. 41 (57) Pol. 53.—In exercise of the powers conferred by Section 13 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, the Government of Rajasthan is pleased to make the following rules; namely :—

CHAPTER I

Preliminary

Notes

Section 13 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 authorises the State Government to make rule for, namely—

- (a) prescribing the manner in which the notices required by sub-section (2) of section 2 and sub-section (3) of section 9 shall be published in the areas concerned.
- (b) regulating the use under this Act of land for manoeuvres or field firing and artillery practice in such manners as to secure the public against danger and to enable the manoeuvres or practice to be carried out without interference and with the minimum inconvenience to the inhabitants of the areas affected;
- (c) regulating the procedure of the Revenue Officers and commissions referred to in section 6 in such manner as to secure due publicity regarding the method of making claims for compensation and preferring appeals from original awards of compensation, the expeditious settlement of claims and of appeals and the payment of compensation so far as possible direct to the claimants; and
- (d) defining the principles to be followed by the Revenue Officers and commissions referred to in section 6 in assessing the amount of compensation to be awarded.

The State Government have framed these rules in exercise of the aforesaid power.

1. *Title.*—These rules may be cited as the Rajasthan Manoeuvres, Field Firing and Artillery Practice Rules, 1954, and shall come into force on their publication in the Rajasthan Gazette.

2. *Definition.*—In these rules, unless the context otherwise requires—

- (a) "Act" means the Manoeuvres, Field Firing and Artillery Practice Act, 1938;
- (b) "Schedule" means one of the Schedules to these Rules; and
- (c) words and expressions defined in the Act shall have the meanings respectively assigned to them in the Act.

These Rules have been first published in Rajasthan Raj-patra Dated December 17, 1955 in part IV (c) at page 360:

CHAPTER II

Publication of Notices

Notes

Sub-Section (1) of section 2 empowers the State Government to authorise by notification the execution of military manoeuvres.

Sub-Section (2) of section 2 requires the State Government, to publish notice of its intention, to issue a notification under Sub-Section (1)

Sub-Section (2) of Section 9 empowers the State Government to authorise, by notification the carrying out of field firing and artillery practice. Sub-Section (3) requires the State Government to publish a notice of its intention to issue notification under Sub-Section (2).

The rules under this Chapter prescribe form and method of publishing such notices.

3. *Method of publishing notices under sections 2 and 9 of the Act.*—(a) A notice under sub-section (2) of Section 2 of the Act in respect of Manoeuvres or under sub-section (3) of Section 9 of the Act in respect of field firing and artillery practice shall be published in the following manner:—

- (i) by publication in the Rajasthan Gazette;
- (ii) by publication in some Hindi newspaper circulating in the area affected;
- (iii) by beat of drum in such place or places in or near the area as the Collector or Collectors concerned may direct;
- (iv) by affixation of copies of the notice in Hindi outside Police Stations and in and outside the offices of all Tehsildars having jurisdiction in the area concerned.

(b) For publication one month and one week as nearly as may be before the commencement of the manoeuvres as required by sub-section (3) of section 2 of the Act, and for publication one week as nearly as may be before the commencement of the period or of each period notified for field firing and artillery practice as required by sub-section (4) of section 9 of the Act, the methods mentioned in sub-rule (a) above shall be employed.

(c) As required by the proviso to sub-section (4) of section 9 of the Act, publication by beat of drum and affixation in respect of notices regarding field firing and artillery practice shall, in each case, be verified in writing by one headman and 2 other literate inhabitants of the locality, and notice by beat of drum shall also be given seven and two days as nearly as may be before the commencement of such field firing and artillery practice.

4. *Summary to be published.*—When taking action under Rule 3, the Collector shall, in such of the ways mentioned hereinabove as may appear to him desirable, give wide publicity to the rights and duties of the general public on the subject, by bringing before the notice of the public the main provisions of the Act and these rules as summarised in Schedule I.

CHAPTER III

5. *Selection of sites and fixation of dates for manoeuvres or field firing and artillery practice.*—(a) The Collector shall give every assistance to the military authorities in the selection of areas for manoeuvres or field firing and artillery practice. In doing so, due consideration should be given to the selection of a tract the temporary occupation of which will cause the least possible inconvenience to the inhabitants. Waste land or land with few inhabited sites or sparsely covered by crops should be selected as far as possible.

(b) In selecting the time for the holding of manoeuvres or field firing and artillery practice, regard shall also be had to the following considerations :—

(i) as far as practicable, the manoeuvres or field firing and artillery practice should be held at a time when there is least likelihood of damage to standing crops or of interference with agricultural operations.

(ii) dates of local fairs and religious gatherings should, as far as possible, be avoided.

6. *Duties of Officer in Command.*—The officer in Command of the Military forces engaged in the manoeuvres or field firing and artillery practice shall, in order to minimise the probable damage and inconvenience, at least fifteen days before the date notified for the commencement of such manoeuvres or practice, consult the Collector concerned regarding;

(a) the actual course of the manoeuvres or the direction of the field firing and artillery practice; and

(b) the time or times of the day or days during which such manoeuvres or practice shall take place.

7. *Submission of programme and list of danger Zones to Collector.*—The Officer in Command shall, at least seven days before the date notified for the commencement of the manoeuvres or field firing and artillery practice, forward to the Collector, so far as may be possible, the exact programme and the exact areas of such manoeuvres or field firing and artillery practice and list of the areas to be considered as danger zones.

8 *Clearing of affected areas.*—The Collector shall take necessary steps to inform the villagers by beat of drum or in any other manner that he may consider proper, of the times and dates during which manoeuvres or field firing and artillery practice shall take place and, in the case of field firing and artillery practice, also of the areas declared to be danger zones. He shall also depute sufficient police force to secure that the areas notified as danger zones are cleared of human beings and animals at least two hours before the military operations are scheduled to begin and that no unauthorised person enters the danger area until the Military operations have finished.

CHAPTER IV.

Procedure to be followed by Revenue Officers
and the Commissioner.*Notes*

The rules under Chapters IV and V are meant to carry out the purposes of Section 6 and 11 of the Act which read as under :—

6. (1) The Collector of the district in which any area utilised for the purpose of manoeuvres is situated shall depute one or more Revenue Officers to accompany the forces engaged in the manoeuvres for the purpose of determining the amount of any compensation payable under Section 5.

(2) The Revenue Officer shall consider all claims for compensation under Section 5 and determine, on local investigation and where possible after hearing the claimant, the amount of compensation, if any, which shall be awarded in each case; and shall disburse on the spot to the claimant the compensation so determined as payable.

(3) Any claimant, dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer, give notice to the Revenue Officer of his intention to appeal against the decision.

(4) Where any such notice has been given, the Collector of the district shall constitute a commission consisting of himself as chairman, a person nominated by the Officer Commanding the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission shall decide all appeals of which notice has been given.

(5) The commission may exercise its powers notwithstanding the absence of any member of the commission, and the chairman of the commission shall have a casting vote in the case of an equal division of opinion.

(6) The decision of the commission shall be final and no suit shall lie in any civil Court in respect of any matter decided by the commission.

(7) No fee shall be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Collector or the commission under this section.

11. The provisions of sections 5 and 6 shall apply in the case of field firing and artillery practice as they apply in the case of military manoeuvres:

Provided that the compensation payable under this section shall include compensation for exclusion or removal from any place declared to be a danger zone of persons or domestic animals, such compensation to be disbursed at not less than the minimum rates prescribed by rules made under section 13 before the exclusion or removal is enforced, and shall also include compensation for any loss of employment or deterioration of crops resulting from any such exclusion or removal.

9. *Deputation of Revenue Officers and their duties.*—The Collector shall depute one or more Revenue Officers not below the rank of Naib-Tehsildar to accompany the forces engaged in the manoeuvres or field firing and artillery practice. It shall be the duty of the Revenue Officer or Officers deputed to see that all reasonable facilities are afforded to the inhabitants of the locality who have to evacuate the areas affected.

10. *Notice regarding Claims for compensation.*—When the Collector takes action in accordance with Rule 8 to inform the inhabitants of the areas affected of the times and dates of the military operations, he shall at the same time cause them to be

informed of their rights and duties under the Act and Rules and of the manner of submission of claims for compensation. If more Revenue Officers than one are deputed, the area affected shall be divided between them and each Officer shall be provided with a map showing the area of the circle for which he is responsible. The circle shall, as far as possible, be so arranged as to contain only complete patwari's circles, and should be marked with red lines on the map, the villages in which the patwaries reside being underlined in red.

11. *Forms of register of damage.*—Registers of damage or injury shall be maintained in such one of the forms (A), (B), (C) or (D) given in Schedule II as may be appropriate.

12. *Directions regarding the maintenance of registers.*—The site to be occupied by the camps, if any, shall be entered by the patwari in the registers before the manoeuvres or field firing and artillery practice commence, and the fields which may be damaged by the movements of the troops shall be entered in them from day to day. The following directions in regard to the maintenance of registers shall be observed :—

(i) A sufficient number of blank sheets of the registers prescribed in Rule II shall be supplied to the Revenue Officer or Officers concerned for distribution to the patwaries and a reserve stock shall be kept at the tehsil. All patwaries concerned shall be summoned to the headquarters of the tehsil at least a week before the commencement of military operations and shall be instructed in their duties by the Revenue Officer or Officers who should see that the instructions given to them are duly entered by them in their diaries.

(ii) On any day on which damage is done in a circle, the Patwari shall send an immediate written report to the Revenue Officer so as to reach him early in the evening of the same day. The report will merely give the name or names of the villages in which damage has been done and state whether the damage has been done and state whether the damage has been slight, ordinary or heavy.

(iii) Whatever the incidence in any particular field may be, damage done in five fields or under will be reported as "slight" in six to twenty fields as "ordinary" and in more than twenty fields as "heavy". If possible, the patwari will fill up the first six columns of the register the same evening with regard to each field in which the damage has been done. He will be held personally responsible for seeing that no field is omitted in which damage, however slight, has been done. The Revenue Officer will then arrange his programme of inspection for the following day and send information to the patwaries concerned.

13. *Method of making claim.*—Villagers who claim compensation for any kind of damage or loss caused to them may either make a report to the patwari, who shall forward it to the Revenue

Officer or present their claims directly before the Revenue Officer. If a claim is made orally, the Revenue Officer shall reduce it to writing.

14. *Procedure for working out amount of compensation.*—The Revenue Officer shall inspect all fields in which damage has been done. He shall take over the registers of damage or injury in Form A from the Patwari and fill in columns 6 and 7 thereof and make an estimate of the area damaged expressed in terms of annas in the rupee. The amount of the compensation shall then be worked out.

15. *Report of damage to houses, trees etc., and assessment of compensation.*—The Patwari shall also report the damage caused, if any, to houses, wells, trees and other property in Form B, prescribed in rule 11. The Revenue Officer shall inspect the houses etc., so damaged and make an estimate of the amount of the compensation to be paid to the owners.

16. *Report of damage to persons and animals and assessment of compensation.*—Injuries to persons and domestic animals shall be reported in the forms prescribed therefor in Rule 11. The Revenue Officer shall personally verify the extent of the damage or loss and fix the amount of compensation to be paid for it.

17. *Taking of receipts for adjusted claims.*—In all cases under rules 14, 15 and 16, if the award is accepted payment shall be made at once and a receipt, stamped where necessary, in full satisfaction of the claim taken from the payee either on a separate paper or in the remarks column of the register, as may be convenient.

18. *Register of compensation.*—Registers of compensation paid for exclusion or removal of persons or domestic animals from any place declared to be a danger zone shall be maintained in Form E given in Schedule II.

19. *Assessment and payment of compensation.*—As soon as the Revenue Officer is satisfied that an area will have to be evacuated, he will instruct the Patwari to fill columns 1 to 3 of the register prescribed in Rule 18. Immediately before the evacuation takes place the Revenue Officer will check the entries and, after calculating the amount of compensation due, pay the amounts to the persons concerned. He will take a receipt, stamped where necessary, either on a separate paper or in the remarks column of the register, as may be convenient.

20. (a) *Notice regarding appeal from award of Revenue Officer.*—Before deciding any claim for compensation, the Revenue Officer shall make known to the villagers in the area affected by beat of drum and also by affixing a notice at some prominent place in the village that any claimant dissatisfied with his award may, within 15 days of the award, give him notice in writing of his

intention to appeal and that the appeal will, in due course, be heard by the commission prescribed in sub-section (4) of section 6 of the Act.

(b) *Copies of entries and orders to be given to appellants free of cost.*—Any person who notifies his intention to appeal in the manner provided in sub-rule (a) above shall, on application, be entitled to free copies of the relevant entries and the order or award of the Revenue Officer.

21. *Method of paying compensation.*—Money awarded as compensation shall, as far as possible, be paid direct to the person concerned by the Revenue Officer on the spot immediately after making the award, whether notice of an appeal is given or not. The Officer in Command of the Military forces engaged in the manoeuvres or the field firing and artillery practice will arrange for sufficient cash for immediate disbursement. Additional compensation awarded as a result of appeals shall be paid to the persons concerned through the Tehsildar.

22. *Assessment when final damage is uncertain.*—When it appears that damage is likely to be done in any village more than once, or that the damage or part of it may be of a temporary nature only, the Revenue Officer should use his discretion as to the time when the damage done should be assessed.

23. *Procedure when operations continue over a long period.*—When the manoeuvres or the field firing and artillery practice continue over a considerable period of time or takes place periodically over a considerable period of time, the Collector shall decide in consultation with the Officer in Command of the Military forces, the period or periods after which an assessment of the damage caused and the award of compensation should be made.

24. *Nomination of members of the commission.*—Before the manoeuvres or the field firing and artillery practice commence, the Officer in Command of the forces engaged in the manoeuvres or practice shall nominate a person to serve on the commission to be constituted under sub-section (4) of Section 6 of the Act and the Collector concerned shall also take steps to get two persons nominated by the District Board concerned to serve on the said commission.

25. *Submission of statement at the close of the operations.*—After the close of the operations, when the payment of compensation has been completed and the period of notice of appeal, that is, 15 days, has expired, the Revenue Officer shall forward to the Collector a tabulated statement in Form F in Schedule III and also a list of such claimants as have given notice of their intention to appeal against his order or award under sub-section (3) of Section 6 of the Act.

26. *Constitution of Commission and fixation of the date of hearing.*—On receipt of the lists referred to in the preceding rule,

the Collector shall constitute the commission prescribed by subsection (4) of section 6 of the Act and fix a date or dates for hearing the appeals.

27. *Hearing of appeals.*—Appeals shall be heard, as far as possible, within one month from the date of the original award and the date fixed shall ordinarily be for final hearing. In no case, however, should an appeal be heard until the claimant has been duly served with a notice fixing the date and place of hearing.

28. *Procedure of hearing appeals.*—The commission may determine its own procedure and may, if it considers necessary, receive evidence, call for a further report from the Revenue Officer concerned or admit documents without formal proof.

29. *Appearance before the Commission.*—It shall not be necessary to present any formal appeal unless the commission so directs. A claimant may appear before the commission either in person or through a duly authorised agent or pleader.

30. *Submission of return after the decision of appeals.*—After the disposal of the appeals and the payment of Compensation to the claimants, the Collector shall forward, through the Commissioner of his Division, to the Officer Commanding the Military forces engaged in the manoeuvres or field firing and artillery practice, a statement showing the amount of compensation paid in each village.

CHAPTER V

Principles to be followed in assessing compensation.

31. *Payment of compensation.*—The compensation fixed should be adequate and payment should wherever possible, be made direct to the person concerned.

32. *Points to be considered in assessing compensation.*—Each case shall be decided with due regard to the actual damage caused to the land or standing crops, the existing value of the land and the prevailing market rate of the crop damaged and the probable total loss to the claimant. Damage to wells, walls trees, houses and lives-stock etc., shall also be assessed with due regard to the actual loss or inconvenience caused and shall be not less than the sum required to replace the property or to restore it to its original condition.

33. *Compensation for loss of life or injury to person.*—In assessing compensation for loss of life regard shall be had to the age and the number of persons wholly dependant upon the deceased and the health and the earning capacity of the deceased. In case of injury to the person, regard shall be had to the age, health and reduction in the earning capacity of the person as a result of that injury.

34. *Rate of compensation for evacuation.*—When villagers are compelled to leave their houses they shall be entitled to compensation at not less than the following rates for each day or part of a day on which they are compelled to remain out of their houses:—

Males above the age of 18 years.	-/12/- per male
Females above the age of 18 years.	-/8/- per female.
Children of either sex above the age of 12.	-/4/- per child.

(b) When cattle have to be removed from their normal grazing grounds, compensation shall be paid at not less than the following rates per head for each day or part of a day during which they are so removed:—

Plough-bullocks, plough buffaloes and buffaloes in milk.	-/8/-
Cows in milk. " 	-/4/-
Calves, sheep, goats, dry cows and buffaloes, horses, camels and donkeys.	-/2/-

(c) Compensation under this rule shall be paid only to genuine residents of the area and not to persons who are only temporary visitors except those who have come in the area in search of labour and are actually employed as such immediately before the period that they are compelled to remain out of the area.

35. *Power to increase rates of compensation.*—The rates prescribed in rule 34 are the minimum rates at which payment may be made. It will be open to the Collector to fix rates higher than the minimum rates, having regard to the time of the year and to any other special circumstances applicable to the area.

36. *Procedure when affected area lies in more than one district*—If the area of military operations extends over more than one district, the Collector of each such district shall take action in accordance with these Rules. Collectors should act in consultation with each other in order to secure uniformity of procedure throughout the area over which the operations extend.

SCHEDULE I

(See Rule 4)

Summary of the main provisions of the manoeuvres, Field Firing and Artillery Practice Act, 1938, and the Rules made by the Government of Rajasthan thereunder.

When an area has been duly notified and notices authorising the execution of manoeuvres, field firing or artillery practice, as the case may be, have been issued, the military forces engaged in such manoeuvres or practice may pass over, encamp or construct military works of a temporary nature on land included in the area. They may also take reasonable water supplied from any public or private source, but not to an extent which will curtail the supply to those ordinarily using those sources. They are, however, precluded from entering or interfering with sacred buildings or any wells or tanks held to be sacred or with burial or burning grounds, dwelling-houses, gardens, pleasure-grounds, educational institutions or business premises. They are also required to restore all lands used to their previous condition so far as possible.

Compensation will be paid for all damages done and also for compulsory evacuation of persons or domestic animals. The patwari will prepare a list of damage which will be checked by any officer appointed by the Collector. The amount of compensation will be determined by this officer and paid by him as soon as possible afterwards. Any person dissatisfied with the amount awarded may, within 15 days of the communication to him of the decision by such officer, give notice to the officer of his intention to appeal. The appeal will be decided by a commission of which the Collector will be the Chairman and that decision will be final. No fee shall be charged for any claim, notice appeal or application or document filed by a claimant.

When an area has been declared to be a danger zone, the Collector is authorised to exclude therefrom all persons and domestic animals during such times as may be considered necessary.

Any person wilfully obstructing or interfering with the manoeuvres, or field firing or artillery practice in any way or entering a camp without due authority is liable to a fine of Rs. 10/- on conviction.

SCHEDULE II

(See Rules 11, 18, 25)

FORM (A)

Register of damage to crops.

Column No.	1. Name of village.	
"	" 2. Number of field in khasra.	To be filled in by the Patwari
"	" 3. Name of the cultivator.	and to be verified by the Revenue Officer Rule 12.
"	" 4. Father's Name.	
"	" 5. Area of the field.	
"	" 6. Whether Irrigated or not.	To be filled in by the Revenue Officer.
"	" 7. Name of crop or nature of Sayar income (for example fruit, grass etc.)	To be filled in by the Revenue Officer-Rule 12.
"	" 8. Extent of damage or injury assessed and expressed in terms of annas in the rupee and the area damaged (roughly).	To be filled in by the Revenue Officer-Rule 14.
"	" 9. Cash compensation.	To be filled in by the Revenue Officer-Rule 14.
"	" 10. Remarks (may include receipt Rule 17)	

FORM (B)

Register of damage to property not being crops and not being domestic animals.

Column No.	1. Name of the village	
"	" 2. Number of field in khasra.	To be filled in by the Patwari
"	" 3. Name of the owner of the property and his father's name.	and verified by the Revenue Officer-Rule 15.
"	" 4. Description of the property damaged.	

12] The Raj. Manoeuvres, Field Firing and Artillery Practice Rules, 1954.

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| <p>„ „ 5. Cash compensa-
tion.</p> <p>„ „ 6. Remarks (may
include receipt-
Rule 17).</p> | <p>To be filled in by the Revenue
Officer-Rule 15.</p> |
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FORM (C)

Register of damage in respect of domestic animals.

- | | |
|---|---|
| <p>Column No. 1. Name of village.</p> <p>„ „ 2. Name of owner of
the animals and
his father's name</p> <p>„ „ 3. Number and des-
cription of the
animals and whe-
ther they are used
in ploughing or
not, and whether
buffaloes & cows
are in milk.</p> <p>„ „ 4. Cash Compensa-
tion.</p> <p>„ „ 5. Remarks (may
include receipt-
Rule 17)</p> | <p>To be filled in by the Patwari
and verified by the Revenue
Officer-Rule 16.</p> <p>To be entered by the Revenue
Officer-Rule 16.</p> |
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FORM (D)

Register of damage for personal injury.

- | | |
|---|---|
| <p>Column No. 1. Name of village.</p> <p>„ „ 2. Name of person
injured, his
father's name &
his caste.</p> <p>„ „ 3. Nature of injury
or loss.</p> <p>„ „ 4. Cash Compensa-
tion.</p> <p>„ „ 5. Remarks (may
include receipt-
Rule 17.)</p> | <p>To be filled in by the Patwari
and verified by the Revenue
Officer-Rule 16.</p> <p>To be entered by the Revenue
Officer-Rule 16.</p> |
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FORM (E)

Register of compensation paid for exclusion or removal of
persons or domestic animals from danger zone.

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|---|
| <p>Column No. 1. Name of the head
of the family
with his paren-
tage and caste.</p> |
|---|

- „ „ 2. Number and description of his dependants, stating adult males and adult females Children above the age of 12 years and children below that age separate.
- „ „ 3. Number and description of his domestic animals, stating distinctly whether they are used for ploughing or not, and in the case of buffaloes and cows, whether they are in milk or not.
- „ „ 4. Number of days for which compensation is paid.
- „ „ 5. Amount payable.
- „ „ 6. Remarks (may include receipt-Rule 19.)

To be filled in by the Patwari Rule 19.

To be filled in by the Revenue Officer-Rule 19.

FORM (F)

Statement to be forwarded by the Revenue Officer to the Collector regarding compensation paid.

- Column No. 1. Name of Tehsil
- „ „ 2. Name of Village
- „ „ 3. Amount of Compensation.
- „ „ 4. Remarks.

By order of
His Highness the Rajpramukh,
S. D. UJWAL,
Secretary to the Government.

Rules and Notifications under

MARWAR MARRIAGE FUND ADMINISTRATION ACT,
1961. (RAJASTHAN ACT, 18 OF 1961).

Marwar Marriage Fund Administration Rules, 1961

[English Translation authorised by the Governor]

Revenue (A) Department

NOTIFICATION

No. F. 4 (400) Rcv /A/55.—In exercise of the powers conferred by section 6 of the Marwar Marriage Fund Administration Act, 1961 (Rajasthan Act 18 of 1961), the State Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Marwar Marriage Fund Administration Rules, 1961.

(2) They shall come into force at once.

2. *Interpretation.*—In these rules, unless the subject or context otherwise requires—

(i) “the Act” means the Marwar Marriage Fund Administration Act, 1961.

(ii) “Advisory Committee” means the committee constituted under sub-section (4) of section 5 of the Act;

(iii) “form” means a form appended to these rules;

(iv) “Jagirdar” shall have the meaning assigned to the term by clause (g) of section 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952).

3. *Administration of the Marriage Fund.*—(1) All the moneys of the Marriage Fund shall be deposited either in a P. D. account in the Government treasury at Jodhpur, or with the advice of the Advisory Committee, in some scheduled bank having its branch having its branch at Jodhpur, or they may be invested, with similar advice, in approved Government securities.

(2) All deposits investments and drawals of moneys of the Marriage Fund shall be made by the Collector with the advice of the Advisory Committee and subject to the general control of the State Government.

4. *Form of Cash Book.*—(1) A cash book shall be maintained by the Collector for the Marriage Fund in form ‘A’; and all receipts and payments shall be entered wherein and proper receipts for amounts received and payments made shall be given and obtained.

(2) A ledger shall be maintained by the Collector in form ‘B’.

5. *Audit of accounts.*—The accounts of the Marriage Fund shall be audited annually by an auditor appointed under the Rajasthan Local Fund Audit Act, 1954 (Act XXVIII of 1954) and the

provisions of the said Act shall apply *mutatis mutandis*, and the report shall be submitted to the State Government through the Collector.

6. *Recovery of advances.*—In discharging the duty of recovering moneys due to the Marriage Fund placed on him by sub-section (2) of section 4 of the Act, the Collector shall consult the Advisory Committee.

7. *Grants from the Marriage Fund.*—(1) The Collector may, with the advice of the Advisory Committee, make a donation from the Marriage Fund to any educational or charitable institutions started or maintained within the area of the former Jodhpur State for the benefit of the children and other dependents of the jagirdars of the said State.

(2) On receipt of an application for a grant from any such institution, or otherwise the Collector may, after making such enquiries as he considers necessary, make his recommendations to the Advisory Committee: Provided that if the amount proposed to be granted exceeds Rupees five thousand, the previous sanction of the State Government shall be obtained.

(3) All grants made out of the Marriage Fund shall be used by the institution receiving the grant, only for the purpose for which the grant was made, and the Collector, or on his behalf some member of the Advisory Committee, may satisfy himself, by inspection or otherwise, that the grant has been so used.

8. *Meetings of the Advisory Committee.*—(1) A notice for a meeting of the Advisory Committee shall be issued by the Convenor, either on his motion, or on the requisition of two members of the Advisory Committee.

(2) Three members, including the Convenor, shall form a quorum.

FORM 'A'

(See Rule 4)

Form of Cash Book.

Date	Particulars.	Receipt No.	Ledger Folio No.	Cash Bank	Date	Particulars.	Ledger Folio No.	Cash Bank
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FORM 'B'

(See Rule 4 (2))

Form of Ledger.

Date	Particulars.	Cash Book Page No.	Amount	Date	Particulars.	Cash Book Page No.	Amount
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By Order of the Governor,
S. D. GUPTA,
Dy. Secretary to the Government.

Notifications under

Marwar Marriage Fund Administration Act, 1961

Published in Raj. Raj-patra part IV (c) dated November 4, 1961 at page .

Revenue 'A' Department

NOTIFICATION

Jaipur, November 4, 1961.

No. F. 4 (400) Rev./A/55.—In pursuance of sub-section (4) of section 5 of the Marwar Marriage Fund Administration Act, 1961 (Rajasthan Act 18 of 1961), the State Government hereby appoints an Advisory Committee consisting of the following for carrying out the purposes of the said Act:—

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|------------------------------------|------------------|
| (1) Collector Jodhpur. | <i>Convenor.</i> |
| (2) Kr. Vijai Singh of Siriyari. | <i>Member.</i> |
| (3) Th. Bhairon Singh of Khejarla. | <i>Member.</i> |
| (4) Raja Devisingh of Bhadrajun. | <i>Member.</i> |
| (5) Rawal Amar Singh of Jasol. | <i>Member.</i> |

By Order,
S. D. GUPTA,
Dy. Secretary to Government.

Rules and Notifications under

MATERNITY BENEFIT ACT, 1953, THE RAJASTHAN
(27 OF 1953).

RAJASTHAN MATERNITY BENEFIT RULES, 1954.

Labour Department.

NOTIFICATION.

Jaipur, March 3, 1955.

No. F. 15 (9) Lab./54.—In exercise of the powers conferred by sub-section (1) of section 14 of the Rajasthan Maternity Benefit Act, 1953, the Government of Rajasthan is pleased to make the following rules, the same having been previously published in the Rajasthan Rajpatra under section 14 of the said Act.

Notes

The Rajasthan Maternity Benefit Act, 1953 is meant to regulate the employment of women in factories Some time before and Sometime after Confinement and to provide for the payment of maternity benefit to them. The Act gives rule making power to the State Government vide its Section 14 which reads as under:—

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register of combined muster roll and register or in the register kept or deemed to have been kept under section 62 of the Factories Act, 1948;

(b) the inspection of factories for the purposes of this Act by Inspector of Factories;

(c) the exercise of powers and the performance of duties by Inspector of Factories for the purposes of this Act;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Act; and

(e) any other matters for which no provision has been made in this Act and for which provision is, in the opinion of the State Government, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

These rules have been framed in exercise of the rule making power and are meant for the purpose of carrying into effect the provisions of the Act.

1. *Short title and commencement.*—These rules may be called the Rajasthan Maternity Benefit Rules, 1955. They shall come into force with immediate effect.

2. *Definitions.*—In these rules:—

(a) "ACT" means the Rajasthan Maternity Benefit Act, 1953 and "SECTION" means a Section thereby.

These rules have been first published in Rajasthan Raj-patra Dated March 26, 1955 part IV (c) at page 919.

(b) "MUSTER ROLL" (1) means a muster roll prepared and maintained under Rules 3 and includes a register kept or deemed to have been kept under Section 62 of the Indian Factories Act, 1948 and

(c) words and comparison defined in the Act have the meaning respectively assigned to them in the Act.

3. *Muster Roll*.—(1) The employer of every factory in which women are employed shall prepare and maintain a Muster Roll and shall enter the following particulars in such muster roll viz.

(a) Name of women and her father's or (if married) husband's name.

(b) Department in which employed and name of factory.

(c) Ticket or Departmental number;

(d) Dates with month and year on which employed and not employed.

(e) Total days employed in the payment period.

(f) "Wages" as defined in Section 3 (d).

(ii) "Average daily earnings calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which the women gives notice under Section 6 (i) of the Act.

(g) Date on which the women gives notice under Section 6 (i) of the Act;

(h) Date of confinement or miscarriage.

(i) Date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month.

(j) Date of production of certified extract from birth register.

(k) Date of first payment of maternity benefit and amount of same.

(l) Date of subsequent payments of maternity benefit and amount of same.

(m) If the woman worker dies; amount of maternity benefit paid and date of payment and the name of person to whom paid and

(n) Date of payment of bonus under Section 5 (4).

(o) Remarks column for the use of the Inspector only.

(2) All entries in the muster roll shall be maintained upto date and shall always be available for inspection by the Inspector during working hours.

(3) The employer may enter in the muster roll such other particulars as may be required for any other purpose.

(4) All entries in the muster roll shall be made in ink.

4. *Proof*.—(1) The fact that a woman worker has had a miscarriage or is dead shall be proved by the production either

of a certificate to the effect from registered medical practitioner or Hakim or Vaid registered under the Rajasthan Indian Medicine Act, 1952 or certified copy of an extract from death register maintained under the provisions of any law, as the case may be;

(2) The fact that a woman worker has availed herself of the services of a qualified mid-wife or a trained woman health visitor at the time of her confinement to entitle her to the bonus under Section 5 (4) shall be proved by the production of a certificate to that effect from a registered medical practitioner or a trained woman health visitor or a Hakim or Vaid registered under the Rajasthan Indian Medicine Act, 1952.

5. *Responsibilities of the Rajasthan.*—The Inspector shall be primarily responsible for the Administration of the Act within the area assigned to him under the Indian Factories Act, 1948 provided that in areas where there are more than one Inspector, the Commissioner of Labour may allocate the factories within such areas to such Inspector as he shall deem proper.

6. *Power of Inspector.*—(1) The Inspector may within the area for which he is appointed examine the muster roll maintained under Rule 3 and shall have power to make such enquiries and to require the production of such papers or documents he considers necessary for the purpose of ascertaining whether the provisions of the Act and of these rules are properly carried out in any factory or not.

(2) Every notice given under Sub-section (i) of Section 6 of the Act every receipt for maternity benefit paid to any person under the provisions of the Act or of these rules shall, on demand be produced before the Inspector.

7. *Form of notice by woman workers.*—The notice under Section 6 (2) of the Act may be given in form II to those Rules and every employer shall keep in stock sufficient number of copies of such notice and shall supply a copy to every woman worker *bona fide* requiring it at not more than $\frac{1}{2}$ anna.

Notes

Sub-section (1) of Section 6 reading as under, requires a woman claiming maternity benefit to give a notice in writing. This rule prescribes the form of such notice.

(1) Any woman employed in a factory any entitled to maternity benefit under the provisions of this Act, who is pregnant, may on any day give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

8. *Obstruction to Inspector.*—No person shall wilfully obstruct an Inspector in the exercise of his powers or the performance of his duties on conviction to under the Act or those Rules.

9. *Returns.*—Every employer of women in a factory shall furnish to the Chief Inspector of Factories by the 15th day of January in each year a return in the Form I to these Rules.

10. *Records.*—Records relating to the payment of maternity benefit under the provisions of the Act or these rules shall be preserved by the employer for a period of two years from the date of their preparation.

11. *Discharge of closing of factory.*—A woman entitled to maternity benefit shall not be deemed to have been dismissed within the meaning of Section 8 if she is discharged on account of the closing of the factory in which she is employed.

Notes

Section 6 of the Act requires that no notice of dismissal shall be given by a employer to woman worker during the period of maternity benefit. This rule makes further amplification in this regard.

12. *Exhibition of Abstract of Provisions of the Act and Rules.*—The abstract of the Provisions of the Act and rules in the Hindi required to be exhibited by Section 15 of the Act shall be in such form as the Chief Inspector of Factories may approve and be exhibited in such manner as he may require. The Chief Inspector of Factories may prepare an abstract and supply copies to employers who make an application for the same to the Inspector..

Notes

Section 15 of the Act provides that—

An abstract of the provisions of this Act and the rules thereunder in Hindi shall be exhibited in a conspicuous manner by the employer in every part of a factory in which women are employed.

13. *Penalty.*—An employer contravening any provision of Rules 3, 8, 9, 10 or 12 of these Rules or any other person contravening Rule of these Rules, shall, on conviction be punishable with a fine not exceeding fifty rupees.

FORM I

(See Rule 9)

Return to be submitted to the Chief Inspector of Factories on or before the 15th January each year.

1. Name of Factory.
2. Name of Occupier.
3. Name of Manager, year ending 31st December, 19
4. Average number of women employed daily.
5. Number of women who claimed Maternity Benefit (Section 6 (i) of the Act).
6. No. of women who were paid Maternity Benefit for actual births.
7. No. of other persons who were paid Maternity Benefit (Section 7).
8. No. of women who were paid Maternity Benefit for miscarriage.

9. The number of women who were paid bonus of Rs. 5/-
Section 5 (4).

10. Total amount of bonus paid.

11. Total amount of Maternity Benefit paid.

Signature.....

Employer.....

FORM XX

See Rule 7

Notice under Section 6 (i) of the Rajasthan Maternity Benefit
Act, 1953.

Name of employer.....

wife

I.....Of

daughter

a woman worker in the.....

FACTORY hereby give notice to my employer that I expect to be
confined within one month from today that I will absent myself
from the factory with effect fromand that I shall
not work in any employment during the period for which I receive
Maternity Benefit.

Signature.....

Date.....

By Order of

His Highness the Rajpramukh

G. L. MEHTA,

Secretary to the Government

Notification under

MATERNITY BENEFIT ACT, 1961

Labour & Employment Department

Jaipur, December 29, 1966.

Notification No. F. 3 (5) (L & E)/62.—In exercise of the powers conferred by sub-section [3] of section 1 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), the State Government hereby notifies the 1st day of January, 1967 as the date on which the said Act, in relation to establishments other than mines, shall come into force in the State of Rajasthan.

[Pub.in Raj. Gaz. Ex. 4 (Ga)—Dt.—29-12-66 Page 673]

Rules and Notifications under

MEDICAL ACT, 1952. THE INDIAN (5 OF 1953)

THE RAJASTHAN MEDICAL RULES, 1957.

Notes

The Rajasthan Medical Act, 1952 is meant to provide for the registration of the Medical Practitioners in Rajasthan. Section 33 of the Act gives, the State Government and Medical Council Constituted under the Act, the rule making power for the purpose of carrying out the purposes of the Act.

The State Government have framed these rules in exercise of the power conferred under sub-sections (1) and (2) of Section 33 of the Act which read as under:—

(1) The Government may from time to time make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules:—

(a) to regulate elections under clauses (c) to (f) of section 4;

(b) to prescribe the form of the register of registered practitioners to be maintained under this Act;

(c) to regulate the application of fees under section 22; and

(d) to regulate the procedure to be followed by the Council in—

(i) conducting any inquiry referred to in proviso (ii) to section 17 or clause (a) of section 25; and

(ii) disposing of appeals from the decision of the Registrar preferred under section 23.

MEDICAL AND PUBLIC HEALTH DEPARTMENT

NOTIFICATION

Jaipur, March 7, 1957.

No. F. 9 (4) (1) MPH/56/Acts.—In exercise of the powers conferred by sub-sections (1) and (2) of section 33 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952) in force in the area of the pre-Reorganisation State of Rajasthan, the State Government hereby makes the following rules, namely:—

PART I

Preliminary

1. (1) These rules may be called Rajasthan Medical Rules, 1957.

(2) They extend to the area of the pre-Reorganisation State of Rajasthan.

(3) They shall come into force on their publication in the Rajasthan Gazette.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) "Act" means the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952);

(b) "Form" means a form appended to these rules,

These rules have been first published in Rajasthan Raj-patra Dated March 28, 1957 part IV (c) at page 917.

- (c) "member" means a member of the Council;
- (d) "President" means the president of the Council nominated under section 4;
- (e) "Qualified elector" means an elector qualified to vote in the particular constituency;
- (f) "Registrar" means the Registrar appointed under section 14;
- (g) "rule" means a rule of these rules;
- (h) "section" means a section of the Act; and
- (i) words and expressions defined in the Act and not defined in these rules have the meanings respectively assigned to them in the Act.

PART II.

Members and their appointments.

3. *Register of Members.*--A register shall be maintained in Form No. 1 which shall show the name and address of each member, whether he is nominated or elected; in case he is elected, the electorate which he represents, the ordinary term of office of each member; the date of its commencement and expiration, and in case the office terminates before the due date owing to vacation of seat, resignation of membership or death, the date and reason of earlier termination.

Appointment of members.

4. (a) Sixty days before the expiration of the term of any nominated member, the Registrar shall draw the attention of the President to the approaching vacancy, and the latter shall forthwith report it to the Government, in order that a new appointment may be made to take effect from the day following that on which the existing appointment will expire.

(b) On the occurrence of a casual vacancy in the office of a nominated member under section 9, sub-section (1) or on the resignation or death of such a member—or under the operation of rule 30, the Registrar shall at once draw the attention of the President to the vacancy, and the latter shall forthwith report it to the State Government, who shall take steps to have it filled within one month by a fresh nomination under section 10.

PART III.

Election of Members.

Notes

Section 3 of the Act provides for the establishment of Rajasthan Medical Council. Section 4 of the Act contains the particulars of members who shall constitute the Council. The said Council is to consist of four nominated members and the other members are to be elected. The elected members are to be as under:—

- (c) One member to be elected from amongst the members of the Faculty of Medicine by the Senate of the University of Rajasthan;
- (d) One member to be elected by and from among the staff of each Medical School or college affiliated to the University of Rajasthan;

- (e) Three members to be elected from amongst themselves by registered practitioners who are graduates in Medicine or surgery; and
- (f) Three members to be elected from amongst themselves by registered practitioners other than those referred to in clause (e).

The rules under this part prescribe the method and manner for the election of aforesaid members. These rules prescribe detailed procedure in respect of such election.

Special rules for election under clause (d) of section 4 by the staff of Medical School and Colleges.

5. The Registrar shall invite the attention of the heads of the medical institutions mentioned in clause (d) of section 4 to the date of expiry of the term of office of the respective members elected by their staffs not less than 75 days in advance of such expiry, and inform them in case of a casual vacancy in such office as soon as conveniently may be after the occurrence of the vacancy, and request them to fill the vacancy by fresh election under section 4 and under these rules in ample time before the end of their term of office or within one month under section 10 as the case may be.

6. The staff of medical school or college authorised to elect a member under clause (d) of section 4 consisting of the Principal, Professors, resident physicians and surgeons and visiting physicians and surgeons holding teaching appointments in attached hospitals shall, at a meeting specially convened for the purpose, elect one of the staff, who must be a registered practitioner, to be a member of the Council and report the name to the President in ample time to obtain its publication under section 7 in the Rajasthan Gazette prior to the reconstitution of the Council or to the expiry of his term of office or within one month after the occurrence of a casual vacancy, as the case may be.

7. The meeting under rule 6 shall be convened by the Principal of the school or college concerned in consultation with Registrar and the proceedings there at shall be conducted by the Principal. Special rules applicable to elections under clauses (c), (e) and (f)

of section 4.
Preliminary.

8. In these rules. "Returning Officer" means—

(a) for the purposes of election under clause (c) of section 4, the Registrar of University of Rajasthan, and includes any officer of the University deputed for the time being by the said Registrar to perform or assist him in his duties under these rules, and

(b) for the purposes of elections under clauses (e) and (f) of section 4, the Registrar, and includes any officer deputed for the time being by the Registrar to perform or assist him in his duties under these rules.

9. The Registrar shall invite the attention of the Registrar of the University of Rajputana to the date of expiry of the term of office of the member elected by the University seventy five days in advance of such expiry, and inform him in case of a casual vacancy in that office as soon as conveniently may be after the occurrence of the vacancy, and request him to fill the vacancy by fresh election under section 4 and under these rules in ample time before the end of the term of office of the Council or within one month under section 10, as the case may be.

10. (1) As a preliminary step for the holding of each election the Returning Officer shall notify in the Rajasthan Gazette, and in such other manner as he may think fit, all vacancies, whether ordinary or casual, with a specification of the electorate by which each out-going or deceased member was returned and by which consequently his successor is due to be elected and of the date of expiry of the term of his office.

(2) The notification shall be published in the case of—

(a) a general election, on a date being less than 42 days and more than 75 days before the day on which the term of office of the sitting members expires; and

(b) a casual vacancy, as soon as conveniently may be after the occurrence of such vacancy.

11. The Returning Officer shall in the notification referred to in rule 10 invite all electors concerned to obtain nomination papers from him on application to nominate qualified candidates and request all electors generally to participate in the impending elections. He shall at the same time appoint and notify dates, times and places relative to the elections as required by rule 26.

12 (1) In respect of any election under clauses (e) and (f) of section 4 the electoral rolls shall consist of a copy of the latest Annual Medical List corrected to the date just preceding the last date appointed by the Returning officer under rule 26 for the receipt of nomination papers:

Provided that for an election held to fill a casual vacancy or vacancies the medical list shall be corrected in respect only of names of voters eligible to vote in the particular constituency or constituencies concerned.

Note:—See also rule 13 (5).

The corrected medical list shall be published at the office of the Returning Officer on the said last date for receipt of nomination papers and no practitioner whose name is entered in the register of registered practitioners on or after such last date shall be entitled to vote at the next succeeding elections.

Nomination of candidates for election (for elections under clauses (c), (e) and (f) of section 4).

13. (1) Subject to the provisions of sub-rule (5), any person whose name is included in the register of registered practitioners

and who is not disqualified for election to the Council under section 6 may be nominated as a candidate for election clause (e) or clause (f) of section 4, and any such person who is also a member of the Faculty of Medicine of the University of Rajputana may be so nominated for election under clause (c) of that section.

(2) Such nomination of each candidate shall be made in writing with complete particulars required on a separate nomination paper in Form No. 2 which shall be supplied by Returning Officer concerned on application.

(3) The nomination paper of each candidate nominated to represent any of the electorates mentioned in clause (c), clause (e) or clause (f) of section 4 shall be subscribed by two qualified electors of the particular electorate concerned, by one as proposer and by the other is seconder:

Provided that no elector may subscribe, whether as proposer or seconder, more nomination papers than the number of vacancy or vacancies to be filled at the particular election by the electorate to which he belongs.

(4) The nomination paper shall be subscribed also by the candidate nominated as assenting to the nomination and shall be forwarded by post or otherwise to reach the Returning Officer not later than the latest date and time specified by him thereon for its return.

(5) No persons shall, in an election under clause (e) or (f) of section 4, vote or be nominated as a candidate if he is not eligible to vote in the particular constituency mentioned in that clause.

14. (1) On receipt of each nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of its receipt.

(2) He shall examine each nomination paper and shall record on it his decision on accepting or rejecting the same, and, if a nomination paper is rejected, shall state in brief his reasons for such rejection e.g. that it does not comply with the requirements of any particular rule or that it has arrived after the latest date and time fixed for the receipt of nomination.

15. If more nomination papers than are allowed by the proviso to rule 13 (3) be subscribed by the same elector, then only the permissible number of such nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, but if the Returning Officer is unable to determine the order in which such nomination papers were received by him, all of such nomination papers shall be held to be invalid.

16. Every nomination paper in respect of which any requirement of these rules has not been complied with, or which is not received by the Returning Officer on or before the latest date and time fixed for the sending in of nomination papers, shall be invalid.

Scrutiny of nomination paper (for elections under clauses (c), (e) and (f) of section 4).

17. (1) On the date and at the time and place appointed by the Returning Officer under rule 26 for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him and on which he has noted the result of his examination under rule 14.

(2) The Returning Officer shall decide all objections to his decision as well as all questions which may be raised as to the validity of any nomination, and his decision on any such question shall, subject to the provisions of rules 28 and 29, be final.

N.B.—For contingencies that necessitate the declaration of candidates as elected immediately after the scrutiny of nominations see rule 19 (1)

18. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer upto 3 O'Clock in the afternoon on the date succeeding that appointed for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election. The candidature of any candidate shall remain valid for all purposes of these rules unless withdrawn in accordance with this rule.

Election and voting (in respect of elections under clauses (c), (e) and (f) of section 4).

19. (1) If in the case of an election, whether general or casual, to be held at any time under clauses (c), (e) and (f) of section 4, the total number of duly nominated candidates who stand for election or remain in the field after withdrawal of candidates signified before the completion of scrutiny of nomination papers does not exceed the number of members to be elected at that time under that clause, the Returning Officer shall on the completion of such scrutiny in the presence of such of the candidates, their proposers and seconders as may choose to be present, forthwith declared such candidate or candidates (if duly qualified) to be elected.

Should this contingency arise as a result of withdrawal under rule 18 communicated after the scrutiny, no poll shall be held for the particular electorate concerned and the fact shall forthwith be notified in the Rajasthan Gazette, but the formal declaration of result of its election shall be held over until the date of counting of votes in respect of other electorates.

(2) If the number of such candidates exceeds the number to be so elected, the Returning Officer shall—

(a) cause the names, qualifications, registration number, and addresses of the candidates offering for election under each such clause to be entered alphabetically in the order of their surnames in a separate voting paper in Form No. 3/1 and

(b) thereupon publish in the Rajasthan Gazette and in such other manner if any as he may think fit the said names, with the respective qualifications and addresses, classified according to the clauses of section 4.

(3) The Returning Officer shall, by a date fixed under rule 26, send by registered post to each qualified elector concerned on such voting paper (and no more) of candidates for election under the clause or clauses of section 4 under which he is qualified to vote, with an identification envelope in Form No. 3/2:

Provided that such a voting paper with an identification envelope shall also issued to such an elector (if any) to whom a voting paper has not been sent already, on his applying to the Returning Officer for the same at any time before the latest date and time appointed by him for return of voting papers. In no other case shall a voting paper be issued after the last date prescribed under rule 26 for the issue of voting papers, nor shall a voting paper not delivered to a voter by the Post Office be re-issued to him on its return to the office of the Returning Officer.

Note:—Voting papers to be issued to registered practitioners should be sent at their registered address,

(4) No election shall be invalidated by reason of the non-receipt by any elector of a voting paper.

20. (1) Each qualified elector desirous of recording votes shall mark the voting paper issued to him with a single cross × (and no other mark) in the proper column against the name or names of the candidate or candidates (not exceeding the number of members to be elected) for whom he intends to vote (A vote recorded otherwise than on the voting paper supplied shall not be accepted). No elector shall give more than one vote to any one candidate.

(2) The qualified elector shall sign furnishing full particulars the requisite declaration printed on the identification envelope received with each voting paper, place the voting paper in this envelope close it and deliver it personally to or send it singly by post to reach the Returning Officer on or before the latest day and time fixed by him for the return of voting papers with the relative identification envelopes.

(3) No voting paper will be accepted unless it is enclosed in the identification envelope supplied with it, and any defect, *e.g.*, incompleteness in the entries required on the envelope or its receipt after the latest day and time fixed for its return with the proper voting paper shall invalidate both the envelope and the voting paper enclosed.

(4) Every voting paper in respect of which any requirement of these rules has not been complied with or on which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given or on which the elector has placed any mark whereby he may be afterwards identified or on which an alteration

or erasure occurs indicating a change of vote or which is not received by the Returning Officer, on or before the latest day and time fixed for the return of voting papers, shall be invalid.

Counting of votes and declaration and publication of results of elections (for elections under clauses (c), (e) and (f) section 4.)

21. (1) On receiving the identification envelopes the Returning Officer shall divide them into separate batches according to the different electorates concerned and shall examine the envelopes in each batch separately as regards the completeness or otherwise of the particulars required to be entered thereon, and shall record his decision "rejected" on any identification envelopes which are incomplete in any requisite entry, mark thereon the incompleteness of entry and place them in safe custody for inspection at the counting of votes. The distinction of divided batches shall be maintained throughout the entire process of counting of votes.

(2) The Returning Officer shall place the identification envelopes which are complete in requisite entries and which he provisionally accepts as containing valid voting papers without opening them in a separate ballot box for each electorate.

22. (1) The Returning Officer shall attend for the purpose of counting the votes on such date or dates and at such time and place as may be appointed by him rule 46.

(2) Every candidate may be present in person or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show all identification envelopes whether accepted or rejected to the candidates or their representatives for examination of the propriety of their acceptance or rejection, and dispose of any objection taken to his decision in the manner prescribed in sub-rule (5).

(4) The accepted identification envelopes will then be opened in the presence of the candidates or their representatives appearing under sub-rule (2) and the voting will be separated from their covers which will be kept aside from view and the Returning Officer will thereupon proceed to examine the voting papers to see whether they have been filled up correctly in respect of every requisite particular. He shall record his decision "rejected" on every voting paper which is found to be defective in any respect and indicate thereon with reference to rule 20 the ground of rejection very briefly. The remaining voting papers will be deemed as accepted. Each convenient batch of voting papers, whether accepted, or rejected, will be presented to the candidates or their representatives present for examination of the Returning Officers decision.

(5) If any objection is taken to his decision of acceptance or rejection of any identification envelopes or voting papers, such objection shall be decided at once by the Returning Officer, whose decision shall, subject the provisions of rules 28 and 29, be final.

(6) The Returning Officer shall separate or cause to be separated the accepted voting papers from those that have been rejected and keep them in separate bundles. The identification envelopes originally rejected and those provisionally accepted when separated from their enclosed voting papers shall also be kept in separate bundles. All these bundles of voting papers and identification envelopes will be placed in safe custody for disposal under rule 24.

23. (1) When the counting of the votes of each electorate has been completed by the conduct of the operation on one or more days as may be necessary the Returning Officer shall, subject to the provisions of section 4, and of the subsequent portion of this rule, forthwith declare the duly qualified candidate or candidates, as the case may be, to whom the largest number of valid votes has been given, to be elected.

(2) When an equality of vote is found to exist between any candidates, and the addition of a vote will entitle any of the said candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(3) (a) When a candidate elected for a particular electorate by operation of sub-rule (1) happens subsequently to receive the highest number of valid votes of another electorate, he shall be allowed to choose for which of the two electorates he shall serve, and the choice once made by the candidate shall be final.

(b) When a seat of particular electorate remains unfilled by the operation of this sub-rule or becomes vacant by the refusal of the elected candidates to serve, such refusal being signified before his name is published in the Rajasthan Gazette under rule 25, the seat may be filled by that one among the other candidates willing to accept office who has received the highest number of votes among unsuccessful candidates of the electorate affected at the election. If there is no unsuccessful candidate, a fresh election shall be held to fill the vacancy thus created.

(c) The Returning Officer shall determine which candidate should be declared as elected under this sub-rule and announce the results as soon as possible after the counting of votes.

(d) The declaration in this case may be made either in the presence of the candidates or their representatives if present or merely by notification in the Rajasthan Gazette under rule 25.

(4) The Returning Officer shall immediately report the results of the elections to the President. should the election fail to secure members required by section 4 in any case, the defect in respect of each electorate should at the same time be reported for the information of the President along with any defect in the number of candidates that offered for election and the want of candidates

Annual medical list.

34. The Annual Medical List referred to in section 32 of the Act shall be published with the contents mentioned in that section, before a date to be fixed by Council under that section. The Council may prescribe a form for the purpose.

Note.—An interleaved copy of such list should be kept by the Registrar, so that he can make, during the year, any entry, alteration or erasure that may be necessary.

Certificate of registration.

35. Besides the certificate copy of the entry in the register of registered practitioners, referred to in the proviso to sub section (2) of section 32 of the Act, the Council may issue a certificate of registration, in such form as it thinks fit to any person whose name has been entered upon the register and who desires to obtain such certificate.

Notes

Section 32 of the Act provides that.

(1) The Registrar shall in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the register of registered practitioners and setting forth—

- (a) all names entered in the register arranged in alphabetical order according to the surnames.
- (b) the registered address or appointment of each person whose name is entered in the register, and
- (c) the registered titles and qualifications of each such person and the date on which each such title was granted or each such qualification was certified.

(2) Every Court shall presume that any person whose name is entered in the latest of such lists is duly registered under this Act, and that any person whose name is not so entered, is not registered under this Act:

Provided that, in the case of any person whose name does not appear in list, a certified copy, signed by the Registrar, of the entry of the name of such person, in the register of registered practitioners shall be evidence that such person is registered under this Act.

PART V

Enquiries under proviso (ii) to section 17 and clause (a) (ii) of section 25 of the Act.

Notes

The medical Council can refuse to permit registration of any person under clause (ii) of the proviso of section 17 of the Act when, "the Council, after due inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by pleader and which may, in the discretion of the President be held in camera), has found guilty, by a majority of two-thirds of the members present and voting at the meeting, of infamous conduct in any professional respect."

The rules under this part prescribe the detailed procedure for "due inquiry" contemplated as above.

Complaint.

36. Whenever information is received that a medical practitioner, who is an applicant for registration, or whose name has already been registered, has been guilty of conduct which *prima facie* constitutes infamous conduct in a professional respect, the Registrar shall make an abstract of such information and of such further information as he may have subsequently obtained.

37. Where the information in question is in the nature of a complaint by a person or body charging the practitioner with infamous conduct in a professional respect, such complaint shall be made in writing addressed to the Registrar, and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case, except when the complaint is by a Government Department.

38. Every declaration must state the description and true place of abode of the declarant, and where the fact stated in a declaration is not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated.

Consideration of the complaint by Penal Committee.

39. (1) The abstract and all other documents bearing on the case together with any complaint that may have been lodged shall be submitted by the Registrar to the President, who shall, if he thinks fit, instruct the Registrar to ask the practitioner by means of a registered letter for an explanation within a time to be fixed by the President. After the expiry of that time the documents with the explanation, if any, shall be referred for consideration to a Penal and Ethical Cases Committee which shall be appointed by the Council. The Committee shall have power to cause further investigation to be made and further evidence to be taken and, if necessary obtain further legal or other advice.

(2) The Committee shall report to the Council, and if the Council consider that the case is one in which an enquiry ought to be held by the Council, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Council.

Enquiry by the Council.

40. The enquiry shall be instituted by the issue of a notice in writing, on behalf of the Council, by the Registrar, addressed to the practitioner. Such notice shall specify the nature and particulars of the charge, shall inform the practitioner of the day on which the Council intend to deal with the case, and shall call upon him to answer the charge in writing and to attend before the Council on that day.

41. The notice referred to in rule 40 shall be in Form No. 5 with such variations as circumstances may require. It shall be

sent at least twentyone days before the date of the enquiry, and shall be accompanied by a copy of section 17 or 25 of the Act, as the case may be, and of the rules to regulate the procedure for conducting any enquiry referred to in those sections. A copy of the notice should at the same time be sent to the complainant, if any.

42. In every case in which the Council resolve that an enquiry shall be instituted and a notice for an enquiry is issued accordingly, the complaint (if any) and the medical practitioner charged shall, upon request in writing for that purpose signed by him or his Counsel, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Council by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charge specified in the notice of enquiry.

43 Any application made by the medical practitioner between the date of issue of the notice and the day named for the hearing of the charge shall be dealt with by the President in such manner as he shall think fit.

44. All material documents which are to be laid before the Council as evidence in regard to the case shall be printed or cyclo-styled and a copy shall be furnished to each member of the Council before the hearing of the case.

45. At the hearing of the case by the Council the complainant and also the practitioner may be represented or assisted by counsel.

Order of procedure

46. Where a complainant appears personally or by a counsel the order of procedure shall be as follows :—

(1) The Registrar will read to the Council the notice of the enquiry addressed to the practitioner.

(2) The complainant will then be invited to state his case himself or by his counsel and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed.

(3) The practitioner will then be invited to state his case himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs but only once.

(4) At the conclusion of the practitioner's case, the Council will, if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case in which the Council may think it right to receive such further evidence. If the practitioner produces no evidence, the complainant will not be heard in reply, except by special leave of the Council.

(5) Where a witness is produced by any party before the Council he will be first examined by the party producing him, and then cross examined by the adverse party, and then re-examined by the party producing him. The Council may decline to admit in evidence any declaration where the declarant is not present for, or decline to submit to, cross-examination.

(6) The Chairman of the meeting may put question to any witness, and members of the Council, through the Chairman, may also put questions to any witness.

47. Where there is no complainant, or no complainant appears, the order of procedure shall be follows ;—

(1) The Registrar will read to the Council the notice of enquiry addressed to the practitioner and will state the facts of the case and produce before the Council the evidence by which it is supported.

(2) The practitioner will then be invited to state his case himself or by his legal representative, and to produce his proofs in support of it. He may address the Council either before or at the conclusion of his proofs, but only once.

Conclusion of enquiry.

48. (1) Upon the conclusion of the case the Council will deliberate thereon in private, and at the conclusion of the deliberations the Chairman shall call upon the Council to vote on the question whether the medical practitioner charged is guilty of infamous conduct in a professional respect.

(2) If the Council, by a majority of two-thirds of the members present and voting at the meeting, find the medical practitioner guilty of infamous conduct in a professional respect, the Council shall direct the Registrar not to register his name, if he be an applicant for registration, or to remove his name from the Register of Registered Practitioners if he is already a Registered Practitioner or to warn or to censure him.

49. When the registration of the name of any practitioner is refused, or when the name of any registered practitioner is removed from the Register in accordance with the provisions of the preceding rules, the Registrar shall forthwith send notice of such refusal or removal to the practitioner, by a registered letter addressed to his last known address. The Registrar shall also send, forthwith, intimation of any such refusal or removal to the body or bodies from whom the practitioner received his qualification or qualifications, and shall request them not to admit him without previous references to the Council to any examination for any new qualification, which is registrable in the Register of registered practitioners. If a name is removed from the Register, the Registrar shall issue a notification in the Rajasthan Gazette announcing the removal and forward a summary of the proceedings and findings to the medical journals for publication.

PART VI

Restoration of name to the Medical Register.

Restoration after non-penal erasure under section 16 (2).

Notes

Sub-section (2) of section 16 of the Act authorises the State Government erase the name of a Registered Practitioner from the Register, when he fails to answer the inquiries addressed to him. The proviso to this Sub-Section permits the restoration of the name in the Register under the direction of the council.

Clause (a) of section 25 of the Act authorises the Council to direct the removal of name from the Register when a registered practitioner has been convicted and when he has been found guilty of infamous Conduct. Clause (b) of Section 25 authorises the Council to direct that any name so removed afterwards be re-entered in the Register.

The rules in this part prescribe a detailed procedure for getting restoration of names in the Medical Register in aforesaid cases.

50. (1) Under the proviso to sub-section (2) of section 16, the Council may restore to the Medical Register, if they think fit, the name of any person which may have been erased therefrom under that sub-section.

(2) An application for the restoration of name so removed shall set forth the facts of the case (including last registration number) and state that the applicant is the person originally registered. (No particular form is prescribed for the application).

(3) The application shall be accompanied by any one of the following documents :—

- (a) applicant's diploma;
- (b) his certificate of registration in original;
- (c) a certificate of identity in the form re-produced below, from—
 - (i) two practitioners registered under the Act, or
 - (ii) if the applicant is not the resident in the State of Rajasthan, two persons who are Magistrates or Officers holding a commission in the Armed Forces of the Union of India or practitioners registered under the Medical Act or any other State in India and resident in that State.

The certificate of identity referred to above should be in the following form:—

"I hereby certify that the aforesaid applicant is the above specified... whose names formerly stood in the Medical Register with the following address and qualification* :—

§Name

Address

Registered qualification or commission

Date.... "

*Here insert applicant's former address and registered qualification.

§Here insert name and address of person certifying.

Restoration after penal removal under section 25.

51. (1) An application for the restoration to the Medical Register of a name removed under section 25 of the Act shall not be entertained before the ordinary meeting of the Council next succeeding that in which the removal was ordered.

(2) If any person whose names has been removed from the Medical Register by the directions of the Council and who still possesses a qualification entitling him to be registered, makes an application to the Council for the restoration of his name to the Register, the procedure hereinafter prescribed shall be followed.

(3) The application shall be in writing addressed to the Council, in Form No. 6, signed by the applicant and must state clearly the grounds on which it is made. It should be signed before a Magistrate or Oath Commission.

(4) The application shall be accompanied by any one of the documents mentioned in rule (50) (3).

(5) The application shall also be accompanied by certificates in writing in Form No. 7 testifying to the truth of the statement made in the application and to the good character of the applicant, given by two Medical Practitioners (registered under the Act or under the Medical Act of any other State of India) resident in the neighbourhood where the applicant had been residing since his removal and who were and are well acquainted with him before and since the removal of his name.

(6) On receipt of the application, it shall be referred by the Registrar to the Penal and Ethical Cases Committee, for consideration and report. Before any application is considered by the Committee, the Registrar shall notify the same to the Bodies whose qualifications were held by the applicant at the time his name was removed; and shall further, by letter addressed to the person or body (if any) on whose complaint the applicant's name was removed, give notice of the application and of the time when the Committee intend to consider the same.

(7) The Penal and Ethical Cases Committee shall consider the application and may, if they think fit, adjourn the consideration of it to a future date or require further evidence or explanations from the applicant.

(8) The Penal and Ethical Cases Committee shall make a report upon the application to the Council in Camera, embodying in that reports such recommendations as the Committee shall think fit to make, with the reasons for the recommendations.

(9) The Council shall thereafter arrive at such decision as it deems just.

PART VII:

Application of Fees and Financial Provisions.

52. The Registrar shall receive all fees payable under the Act and shall credit them to the account of the Council mentioned in rule 53.

53. All moneys paid to the Council shall be paid by the Registrar into an account to be opened in the name of the Council with any Bank transacting Government business.

54. All cheques for the payment of sums from the accounts of the Council in Bank shall be signed—

(a) by the Registrar, if the amount does not exceed rupees twenty-five—

(b) by the President and the Registrar, if the amount exceeds rupees twenty-five

55. No payment of amount exceeding rupees twenty-five shall be made without sanction of the President.

56. The Registrar shall maintain a general Cash Book and shall enter therein all sums received or spent by him.

57. Moneys as required for day-to-day expenditure may be retained by the Registrar, but all such moneys shall be kept in such safe custody as the Council may direct.

PART VIII.

Disposal of Appeals from the Decision of the Registrar preferred under section 23 of the Act.

Notes

The rules in this part are meant for the purposes of Section 23 of the Act which reads as under:—

If any person is dissatisfied with any decision of the Registrar refusing to enter the name or any title or qualification of such person in the register of registered practitioners, he may at any time within three months from the date of such decision appeal to the Council, whose decision shall be final.

58. An appeal to the Council, preferred under section 23 of the Act, against a refusal of the Registrar to register the name or any title or qualification of any person on the register of registered Practitioners, shall be in writing and shall state the grounds on which registration is claimed, the titles or qualifications, and the dates on which and the authorities from whom they were received.

59. On receipt of such an appeal, it shall be referred to a Committee of the Council for consideration and report.

60. The Committee shall have power to call for the original diploma or license, etc., from the appellant for inspection and also such other documentary or oral evidence as may be considered necessary by them.

61. At the conclusion of their enquiry, the Committee shall make a report to the Council embodying such recommendations as they shall think fit to make, with the reasons for the recommendations.

62. The appeal, the Committee's report on it, and all other documents in connection with the case shall be laid before the Council at their next session.

63. The date on which the appeal is to be taken up by the Council shall be notified to the appellant. The appellant shall also

be allowed, if he so chooses, to represent his case before the Council, either by himself or by his legal representative.

By Order of Governor,
S. P. SINGH BHANDARI,
Secretary to Government.

FORM No. 1.

(Vide Rule 3).

Register showing particulars of the members of the Council.

Name	Address	Whether nominated or elected and in the case of elected members, the clause of section 4 under which elected.	term	Date of commencement of terms.	The date on which the term is to expire in ordinary course.	If the office terminates before the due date mentioned in column 6, then the date and reason of earlier termination (see section 9 and 10 and rule 30).
1	2	3	4	5	6	7

Form No. 2.

(Vide Rule 13 (2)).

Nomination paper.

1. Name of candidate.
2. Father's name.
3. Age
4. Nature of qualifications registered under section 4.
5. Address (place of residence where he practises ordinarily, not his office).
6. Signature, registration number, registered qualification and address of the proposer.
7. Signature, registration number, registered qualification and address of the seconder.
8. Electorate from which the candidate is standing.

Date-

Signature of the Candidate.

N.B.—Nomination papers which are not received by the Returning Officer at.....(specifying his address) before..... on the ... day of 19 .. shall be invalid.

“Registration number” of proposer or seconder is not required in the case of nomination for election under clause (c) of section 4.

Back of nomination paper.
(To be filled in by the Returning Officer)
Certificate of Delivery.

This nomination paper was delivered to me at my office at
(date and hour.....),

Returning Officer.

Certificate of scrutiny.

Rejected as time-barred or for other breach of rule 13,

- or

I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination.

Returning Officer.

Form No. 3/1.

(Vide Rule 19 (2) (a))

Serial No.....

Voting Paper.

Subject to instructions endorsed on this paper.....* member (s) is/are to be elected to the Rajasthan Council of Medical Registration by the members of the State of the University of Rajputana or by persons whose names are entered in the register of registered practitioners and who are eligible to vote for the particular electorate.

S. No. of candidates duly nominated.	Names, registration numbers, registered qualifications and addresses of candidates duly nominated.	Column for the voters mark X.
---	---	----------------------------------

1.....	.....	.....
2.....	.....	.....

Returning Officer.

Instructions.

2. Each elector has as many votes as there are members to be elected on each particular occasion. If he does not wish to use all his votes (in the case where more than one vote is allowed), he need not do so, but more than one vote may not be given to any one candidate.

2. The number of members to be elected is entered above.

3. An elector shall vote by placing in the proper column of the voting paper a single mark X (and no other mark) opposite to the name or names of the candidate or candidates (not exceeding the number of members to be elected) whom he prefers. A vote recorded otherwise than on the voting paper shall be invalid.

The voting paper shall be invalid if the mark X is placed opposite to the name of more candidates than are to be elected, or if the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is intended to apply or if more votes than one are recorded in favour of a single candidate.

*To be filled in by the Returning Officer.

4. Each qualified elector shall sign the requisite declaration giving full particulars required on the identification envelope, place the voting paper in this envelope, close it and return it in the manner prescribed in instruction 6. Without such signature and entry the identification envelope as also the enclosed voting paper shall be invalid.

5. A voting paper on which the voter has placed any mark whereby he may be afterwards identified shall be invalid.

6. Each voting paper enclosed in the relative identification envelope shall singly and separately be delivered personally (a)—voting paper sent by a peon or any other messenger will be rejected or sent by post to the Returning Officer at the office of the .. § The date appointed for the commencement (to be specified separately for each electorate) of the counting of votes is..... A voting paper enclosed in the relative identification envelope which is not received by the Returning Officer before..... on the.....day of.....19.....will be rejected.

Extract from rule 20 of the election rules.

No voting paper will be accepted unless it is enclosed in the identification envelope supplied with it and any defect, e.g. incompleteness in the entries required on the envelope or its receipt after the latest day and time fixed for its return with the proper voting paper shall invalidate both the envelope and

§To be filled in by the Returning Officer.
the voting paper enclosed. Every voting paper in respect of which any requirement of these rules (main relevant provisions embodied in the instructions) has not been complied with*****shall be invalid.

Form No. 3/2.
(Vide Rule 19 (3))

In respect of election under clause (a) of section 4.

Identification envelope.

No. (The same as the serial No. on the voting paper).

I.A.B., the undersigned, hereby declare that I am the person to whom this voting paper was addressed, that I am a member of the Senate of the University of Rajputana and that I have not marked any other voting paper for this election.

Signature.

In respect of elections under clauses (e) and (f) of section 4

Identification envelope.

No. (The same as the serial No. on the voting paper).

I.C.D., (registered qualification)... (address).....
the undersigned, hereby declare that I am the person to whom the enclosed voting paper was addressed, that my name is included in the register of registered practitioners and that I have not marked any other voting paper of this electorate for this election.

Signature.

N.B.—Before return of each voting paper with the relative identification envelope the instruction printed on the reverse of the voting paper should be followed completely.

(Vide instruction 6 and extract from rule 2o).

FORM N. 4.

(Vide Rule 31)

The Register of Registered Practitioners.

S. No.	Date of registration.	Name	Address or appointment	Qualification & dates thereof & Registration No. of any other State Medical Council in India	Date and reason of removal		Remarks and receipt No. for registration fee	Initials of Registrar.
					Date	Section of the Act under which the name is removed		
1	2	3	4	5	6	7	8	9

Form No. 5.

(Vide Rule 41)

Notice to Practitioner to attend proceedings in connection with the enquiry under section 17 or 25 of the Act.
Sir,

On behalf of the Rajasthan Medical Council Registration, I give you notice that information and evidence have been laid down before the Council by which the complainants make the following charge against you, namely (here set out the circumstances briefly), and that in relation thereto you have been guilty of infamous conduct in a professional report.

And, I am directed further to give you notice that on the of 19 a meeting of the Council will be held at O'clock in the to consider the above mentioned charges against you and decide whether or not they should direct that your name shall not be registered in/that your name be removed from the Register of Registered Practitioners pursuant to section 17/25 of the Rajasthan Medical Act, 1952. You are invited and required to answer in writing the above charges and to attend before the Council at the abovenamed place and time, to establish any defiderial defence that you may have to make to the above mentioned charges, and you are hereby informed that if you do not attend as required, the Council may proceed to hear and to decide upon the said charges in your absence.

Any answer or other communication or application which you may desire to make respecting the said charges, or your delence thereto must be addressed to the Registrar of the Rajasthan Medical Council and transmitted so as to reach him not less than days, before he day appointed for the hearing of the case.

A copy of the 17th/25th section of the Rajasthan Medical, Act, 1952, and of the rules to regulate the procedure for conducting any enquiry referred to in that section, to which your particular attention is invited, is enclosed herewith for your information.

Form No. 6.

(Vide Rule 51 (3).)

Application for registration of name to the Medical Register.

To the Rajasthan Medical Council.

(i) I, the undersigned* now holding the qualification of do solemnly and sincerely declare that the following are the facts of my case, and in reason of which I seek restoration of my name to the Medical Register.

(ii) In the year (a) my name was duly registered in the Medical Register in respect of the following qualifications, namely (b) and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications, and also in respect of the following additional qualifications, namely (c).....

(iii) At an enquiry held on the (d) day of.....the Rajasthan Medical Council directed my name to be removed from the Medical Register on a complaint made to the said Medical Council by (e)of and the offence for which the Medical Council directed the removal of my name was (f).

(iv) Since the removal of my name from the Medical Register I have been residing at (g).....and my occupation has been.....(g).

(v) It is my intention if my name is restored to the Medical Register to (h).

(vi) The grounds of application are (i).....
(signed)

Declared at on..... before me.

A Commissioner for Oaths, or Magistrate.

*Insert full name.

Insert qualifications, if any.

(a) Insert original qualifications.

(b) Insert original qualifications.

(c) To be added to, if necessary.

(d) Insert date of enquiry.

(e) Insert name and address of complainant.

(f) Insert charge on which name was removed.

(g) The blanks in this paragraph must be filled in according to circumstances.

(h) Insert particulars as to proposed future professional occupation.

(i) All facts and grounds on which the application is made should be concisely stated.

Form No. 7.

(Vide Rule 51 (5)).

Certificate of good character in support of application for restoration of name to Medical Register.

I.....of.....certify as follows:—

(i) I am (a).....

(ii) I have read paragraphs (iv) and (v) of the application of and say that I have been and am well acquainted with the said both before and since his name was removed from the Medical Register, that I believe him to be now a person of good character, and that the statements in the said paragraphs are to the best of my knowledge, information and belief, true.

(Signed)

(Name)

(Address and qualification)

(a) State under what Act you have been registered as a qualified practitioner.

RAJASTHAN MEDICAL ACT, 1952

Published in Rajasthan Raj-patra Dated October 1, 1955. part I (b) at page 468-69

Medical and Public Health Department

NOTIFICATIONS

Jaipur, September 9, 1955.

No. F. 10 (13) (25) MH/55-I.—In exercise of the powers conferred by clause (a) of section 4 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952), the Government of Rajasthan hereby nominates Dr. B. N. Sharma (Director of Medical and Health Services, Rajasthan) to be President of the Rajasthan Medical Council.

No. F-10 (13) (25) MH/55.V.—In exercise of the powers conferred by clauses (e) and (f) of section 4 read with section 6 A of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952), the Government of Rajasthan hereby nominates the following to be members of the Rajasthan Medical Council, this being the first constitution of that Council, viz:—

Nominated under clause (e) of section 4 read with section 6A.

1. Dr. C. M. Sharma, M. B. B. S., P. M. & H.O. Alwar.
2. Dr. Tara Shankar Mathur, M.B. B. S., Kishan Pol Bazar, Jaipur.
3. Dr. P. L. Rishi, M. B. B. S., F. R. C. S., P. M. & H. O. Kotah.

Nominated under clause (f) of section 4 read with section 6A.

1. Dr. Om Dutt, L. M. P., D.A. Anaesthetist, M. G. M. Hospital, Jodhpur.
2. Dr. C. K. Kothari, LCPS, Chandpol Bazar, Jaipur.
3. Dr. R. C. Saksena, LMP, Johri Bazar, Jaipur,

No. F. 10 (13) (25) MH/55-VI.—In pursuance of sub-section (1) of section 11 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952), the Government of Rajasthan hereby appoints the 9th day of September, 1955 as the date on which the term of office of the first members elected or nominated under section 4 or section 5 of the said Act shall commence.

By Order of

His Highness the Rajpramukh,
B. L. RAWAT,
Secretary to the Government.

No. F. 10 (13)(25) M H/55-II.—In exercise of the powers conferred by clause (b) of section 4 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952), the Government of Rajasthan hereby nominates the following to be members of the Rajasthan Medical Council viz:—

- (a) Dr. L. R. Sarin, M. B. B. S., M.R.C.P., DOMS, Superintendent, Sawai Man Singh Hospital, Jaipur.
- (b) Dr. T. C. Gangwal, M. B. B. S., Opposite S. M. S. Hospital, Jaipur.
- (3) Dr. (Miss) M. Postwala. M.B.B.S., Tripolia Bazar, Jaipur.

No. F. 10 (13) (25) MH/55-III.—In exercise of the powers conferred by clause (c) of section 4 and section 5 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952), the Government of Rajasthan hereby nominates Colonel R. M. Kasliwal, Dean of the Faculty of Medicine, University of Rajputana to be a member of the Rajasthan Medical Council (no person having been elected from amongst the members of the said Faculty).

No. F. 10 (13) (25) MP/55-IV.—It is hereby notified for general information that Dr. R. B. Arora, Professor of Pharmacology, Sawai Man Singh Medical College, Jaipur, has been elected as a member of the Rajasthan Medical Council by and from among the staff of Medical Schools and Colleges affiliated to the University of Rajputana under clause (d) of section 4 of the Rajasthan Medical Act, 1952 (Rajasthan Act XIII of 1952).

Notifications under

RAJASTHAN MEDICAL ACT, 1952.

Published in Raj. Raj-patra part I (b) dated March 3, 1960 at page 519

Medical and Public Health Department

NOTIFICATION

Jaipur, February 16, 1960.

No. D. 18062/F.1 (31) (53) M P H./57.—In exercise of the powers conferred by section 3 of the Rajasthan Medical Act, 1952 (Act No. XIII of 1952) the Governor has been pleased to declare that the Rajasthan Medical Council shall be an autonomous body.

By Order of the Governor,
VISHNU DU PTA SHARMA,
Secretary to the Government.

Rules and Notifications under

MEDICAL AND TOILET PREPARATION (EXCISE
DUTIES) ACT, 1955. (CENTRAL ACT No. 16 of 1955).

Notifications under

THE MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) RULES, 1956.

Notes.

These rules have been framed by the central Government under section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955. Notifications under this heading have been issued in exercise of the powers conferred by the Central Government to the State Government and its Excise Commissioner under the said Rules.

Published in Rajasthan Raj-patra Dated June 19, 1958 part IV (c) at page 470.

Excise And Taxation Department

ORDER

Udaipur, May 7, 1958.

No. F. 64 (5/6) Ex/C/916.—It is hereby ordered that the monthly returns referred to in rule 80 of the Medicinal and Toilet preparations (Excise Duties) Rules, 1956 shall be submitted by every licensee duly verified by the Excise Inspector concerned to the Assistant Excise Commissioner of the district in whose jurisdiction the licensed premises are situated.

NOTIFICATION

Udaipur, May 7, 1958.

No. F. 64 (5/6) Ex/C/916.—In exercise of the powers conferred by sub-rule (ii) of rule 4 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, I, the Excise Commissioner, hereby authorise the following officers of the Excise and Taxation Department, mentioned in column (1) of the table given below, to exercise the powers mentioned in column (2) in the areas under their jurisdiction.

TABLE

Column (1) Designation of Officers.	Column (2) Description of powers.
1. Deputy Com.issioners	45 (4); 53 (IV); 56 (II); 110; 125.
2. Asstt. Com.issioners.	45 (4); 53 (IV); 56 (II); 90 (4), 110; 125.
3. Inspectors.	45 (4); 53 (IV).

Note.—(1) Under rule 45 (4) the note of inspection shall be submitted by the officers to their immediate official superiors.

(2) Under rule 125 powers of Excise Officers regarding composition of offences shall be as follows:—

(a) Dy Excise Commissioners up to Rs. 500/- subject to the approval of the Excise Commissioner.

(b) Assistant Excise Commissioner up to Rs. 100/ subject to the approval of the Deputy Excise Commissioner of the division concerned.

GULZARILAL

Commissioner Excise & Taxation,
Rajasthan Udaipur.

Published in Rajasthan Raj-patra Dated October 23, 1958 part IV (c) at page 1123

Excise and Taxation Department

NOTIFICATION.

Jaipur, October 7, 1958.

No. F. 1 (5) E & T/58/II.—In exercise of the power conferred by rule 112 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the State Government hereby empowers all officers of the Excise and Taxation Department of Rajasthan not below the rank of a guard to do the acts specified in the said rule.

By Order of the Governor,
G. S. PUROHIT,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated Nov. 16, 1958 part IV(c) at page 1134

Excise and Taxation Department

NOTIFICATION

Jaipur, October 7, 1958

No. F. 1 (5)/E. & T./58/I.—In exercise of the powers conferred by clause (ii) of sub-rule 1 of Rule 82 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the State Government hereby authorises the Deputy Excise Commissioners of the Divisions to grant or renew licenses within their respective area, with the previous sanction of the Excise Commissioner, Rajasthan in cases other than those of bonded manufacturies or warehouses.

By Order of the Governor,
G. S. PUROHIT,
Secretary to the Government.

Notifications under

**MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES)
RULES, 1956.**

Published in Raj. Rajpatra part IV (c) dated September 15, 1960 at page 357

**Excise and Taxation Department
NOTIFICATIONS**

Jaipur, August 29, 1960.

No. F. 1 (128) E. & T./59.—In pursuance of the provisions of Rule 38 of the Medicinal and Toilet Preparations (Excise Duties) Rules 1956, the State Government hereby prescribed the following percentage of wastage of spirit in the production of Medicinal and Toilet preparations.—

1. For Medicinal Preparations.—

- | | | | |
|--|------|------|-----|
| (a) Extracts and concentrated infusion made direct by double percolation or distillation in vacuo from crude Drugs such as root, bark, leaf or rhizome | .... | .... | 20% |
| (b) Tinctures and other preparations made direct from crude drugs such as root, bark, leaf, rhizome, gum or resin | .... | .... | 10% |
| (c) Other tinctures and preparations | .... | .... | 5% |

2. For Non-Medicinal Preparations.—

- | | | | |
|---|------|------|-----|
| (a) Essences made direct from crude drugs | .... | .... | 10% |
| (b) All other preparations | .... | .... | 5% |

No separate storage wastage shall be allowed.

Published in Raj. Rajpatra part IV (c) dated September 8, 1960 at page 319

Excise & Taxation Department

ORDER

Udaipur, August 18, 1960.

No. F. 505 (5/6) Ex/G/266-72.—I, Gulzarilal, Commissioner, Excise & Taxation, Rajasthan hereby authorise under Rule 138 of the Medical and Toilet Preparations (Excise Duties) Rules, 1956, Excise Officers of above the rank of Assistant Commissioners of respective areas to take all action specified in the said Rule.

Rules and Notifications under

MEDICINE ACT, 1953.
(INDIAN ACT No. 5 OF 1953)

THE RAJASTHAN INDIAN MEDICINE RULES, 1956.

Medical and public health department.

NOTIFICATION

Jaipur, March 22, 1957.

Nr. F. 10 (14) (5) M P H/55 :—In exercise of the powers conferred by section 54 of the Rajasthan Indian Medicine Act, 1953 (Rajasthan Act V of 1953), the Government of Rajasthan is pleased to make the following Rules; the same having been previously published in the Rajasthan Gazette Part IV-C dated the 20th December, 1956, namely :—

Notes

The Rajasthan Indian Medicine Act, 1953 has been enacted with a view to provide for the development of Indian system of medicine survey and midwifery and to regulate their practice in Rajasthan. Section 54 of the Act authorises the State Government to make rules for the purpose of carrying out the purposes of the Act. Without prejudice to the generality of the rule making power sub-section (2) of section 54 requires the State Government to make rules for the following matters :—

- (a) the time at which and the place and manner in which election shall be held under section 6;
- (b) the regulation of Election under this Act;
- (c) the conduct of and the maintenance of correct minutes of meetings of the Board;
- (d) the manner in which vacancies shall be filled under section 14;
- (e) the salary and allowances and other conditions of service of the Registrar and other officers and servants of the Board;
- (f) the form of the registers and lists of Vaidyas, Hakims and midwives to be maintained under this Act;
- (g) the application of fees chargeable under this Act;
- (h) the manner in which appeals against the decisions of the Registrar shall be heard by the Board;
- (i) the expenses payable to the Chairman and members;
- (j) anything that is required under this Act to be prescribed by rules;
- (k) anything that is required under this Act to be prescribed otherwise than by the Board; and
- (l) the furtherance of the objects of the Act.

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Indian Medicine Rules, 1956.

(2) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires :—

- (i) 'Act' means the Rajasthan Indian Medicine Act, 1953 (Rajasthan Act V of 1953);
- (ii) 'Form' means a Form annexed to these rules;
- (iii) 'Section' means a section of the Act.

These rules have been first published in Rajasthan Raj-patra dated May 16, 1957 part IV (c) at page 39.

3. *List of Members to be maintained.*—The Registrar shall maintain a list containing the names of the members elected on the Board, the electorates they represent, the date of election of each such member, the term of his office, and the date of death retirement resignation or removal of each such member. The list always up-to-date so that it may show at a glance when the next election or nomination, as the case may be, has to be made.

4. *Report regarding anticipated vacancy.*—Ninety days before the expiration of the term of office of any member appointed on the Board the Registrar shall make a report in writing regarding the vacancy to the Chairman if the vacancy is to be in respect of an elected member, and to Government through the Chairman if the vacancy is to be in respect of a nominated member.

5. *Report regarding casual vacancy and period of filling them up.*—(1) If a vacancy occurs in the office of a member of the Board previous to the expiry of his term of office through resignation death, removal or disability of such member or otherwise, the Registrar shall make a report in writing regarding the vacancy to the Chairman if the vacancy be in respect of an elected member and the Government through the Chairman in case the vacancy be in respect of nominated member.

(2) All casual vacancies in the office of the Chairman or a member shall, with reference to section 14 (1) be filled up within 6 months of the occurrence of the vacancy.

6. *Filling up vacancies of elected Members.*—(1) In the case of vacancies of elected members an election shall be held to fill the vacancy. The Registrar or any other person authorised by him in this behalf shall act as the Returning Officer for such election. If the vacancy is to occur in consequence of the expiry of the term of office of a member such Returning Officer shall sometime not less than forty two days and not more than sixty days before the day on which the term of office of such member is due to expire, or, if the vacancy has already occurred through death, resignation removal or disability of such member or otherwise, as such as conveniently may be after the occurrence of the vacancy issue a notice to the electorate concerned, requiring the said electorate to elect a member or members by a date mentioned in the notice.

(2) The date mentioned in the said notice shall be taken as the prescribed date for the purposes of section 7.

7. *Procedure of election of member.*—The following procedure shall be adopted for the filling of vacancies by election :—

(i) The Electoral Roll in Form No. 1 shall be prepared by the Registrar from the Register and published in the Rajasthan Gazette. It shall contain the name, qualifications and address of every person qualified to vote for the election of a member to fill up the vacancies.

Note :—Separate rolls shall be prepared for each of the constituencies of registered Vaidyas, registered Hakims and registered midwives.

(ii) Candidates qualified for being elected shall be proposed and seconded by persons qualified as electors. No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies. If more nominations than are required to fill up a vacancy or vacancies be subscribed by the same elector, all nominations subscribed by him shall be held to be void.

(iii) The candidate shall sign the nomination paper declaring that he is willing to serve on the Board, if elected.

(iv) In the absence of such a declaration, the nomination shall be treated as invalid.

(v) Every proposal for nomination shall be in writing in a printed form (Form No. 2) which may be had from the Registrar free of cost and shall be signed by the proposer and seconder and sent by post or otherwise, so as to reach the Returning Officer on or before a date fixed by him, which shall not be less than fifteen days before the date appointed by him under sub rule (2) of rule 6.

(vi) Any candidate shall be at liberty to withdraw his candidature in writing signed by him and delivered to the Returning Officer within 7 days of filing the nomination. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be recommended as a candidate for the same election.

(vii) The Returning Officer shall decide all questions which may arise as to the validity of any nomination on a date fixed by him for scrutiny of nominations and his decision thereon shall be final.

(viii) If in case of any election the number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare all such candidates to be elected.

(ix) If in case of any such election more candidates than are necessary to fill up the vacancy or vacancies are nominated, the Returning Officer shall forthwith publish their names and addresses in the Rajasthan Gazette and in such other manner as the Returning Officer may deem fit, and shall further cause their names to be entered in Ballot papers in Form No. 3.

(x) Not less than twenty-one days before such date as may be appointed by the Returning Officer under Rule 7 (xi) the Returning Officer shall send by registered post to each elector a Ballot paper signed by the Returning Officer. No election shall be invalidated by reason only of an elector not receiving his Ballot paper provided that a Ballot paper has been issued to him in accordance with these Rules.

(xi) Before such date as may be appointed by the Returning Officer in this behalf every elector, desirous of voting, shall personally deliver or send by post him ballot paper to the Returning Officer after recording his vote or votes in the manner prescribed therein:

Provided that any Ballot paper which is not received by the Returning Officer before 12 Noon on the date so appointed for the counting of votes shall be rejected,

(xii) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Chairman in this behalf. The Ballot papers shall then be scrutinized and the valid votes counted. Any candidate may also be present either in person or by an accredited, representative to watch the counting of the votes.

(xiii) A Ballot paper shall be invalid if :—

- (a) it does not in any way conform to these rules, or
- (b) it does not conform to the instructions printed thereon, or
- (c) it does not bear the initials of the Returning Officer, or
- (d) no vote is recorded thereon or
- (e) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his Ballot paper, or
- (f) the number of votes recorded thereon exceeds the number of vacancies to be filled, or
- (g) it is void for uncertainty of one or more votes exercised;

Provided that when more than one vote can be given on the same Ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned and not the whole Ballot paper shall be invalid on that account.

(xiv) If any objection is made to any Ballot paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a Ballot paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(xv) The returning Officer shall nominate such number of scrutinizers not exceeding four as he thinks fit in consultation with the Chairman.

(xvi) When the counting of the votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected, and shall forthwith inform the successful candidate by letter of his having been elected to the Board.

(xvii) When an equality of votes is found to exist between any candidates and the addition of one vote will entitle any one or

more of the candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot, to be drawn by the Returning Officer in such manner as the Chairman may determine.

(xviii) Upon the completion of the counting and after the result has been declared by him the Returning Officer shall seal the Ballot papers and all other documents relating to the election and shall retain the same with himself for a period of six months, and thereafter with the approval of the State Government cause them to be destroyed.

(xix) The Returning Officer shall notify in the Rajasthan Gazette and such other manner as the Board may think fit the date time and place fixed for such of the following proceedings namely.—

(a) the sending of Ballot papers to the electors under rule 7 (x).

(b) the last date for receiving Ballot papers and the date for the counting of the votes under rule 7 (xi) and (xii).

(xx) The State Government may, of his own motion, or on an objection made before him, declare any election that has been held, to be void on account of corrupt practice or any other sufficient cause and then call on the electorate to make a fresh election. The decision of the State Government under this rule shall be final.

(xxi) If any question arises as to the intention or application of this rule, which in the opinion of the Board should be referred to the State Government, the Board shall after such question to the State Government whose decision shall be final.

8. *Election of Vice-Chairman.*—(a) The election of the Vice Chairman shall be by Ballot at a meeting specially convened for the purpose and for which due notice has been given to each member stating the time and place of the meeting.

(b) If the Chairman is not present the members shall choose from amongst themselves a person other than a candidate for election to preside over the meeting for the election.

(c) Every candidate shall be duly purposed and seconded.

(d) The Chairman of the meeting shall declare the candidate securing the largest number of votes as duly elected.

(e) In the event of two or more candidates securing an equal number of votes, the Chairman of the meeting shall decide by drawing lots, the candidate whom he shall declare as duly elected.

Notes

Section 4 of the Act provides for the establishment of a Board of Indian medicine for the purpose of carrying out the provisions of the Act. This Board is required to be in accordance with section 6 of the Act which reads as under:—

(1) The Board shall consist of eleven members, including the Chairman appointed in the following manner namely:—

(i) The Chairman shall be nominated by the State Government preferably from amongst practitioners and shall not be a paid servant of the Government.

- (ii) Three members shall be nominated by the State Government from amongst Vaidyas who are paid servants of the Government.
- (iii) One member shall be nominated by the State Government from amongst Hakims who are paid servants of the Government.
- (iv) Four members shall be elected by the registered Vaidyas from amongst themselves in the prescribed manner.
- (v) One member shall be elected by the registered Hakims from amongst themselves in the prescribed manner.
- (vi) One member shall be elected by the registered mid wives from amongst themselves in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) all the members of the first Board established under section 4 shall be nominated by the State Government.

(3) Every member other than the Chairman of the Board must possess at least ten years' experience of practice in an Indian system of medicine surgery or midwifery, as the case may be.

(4) The Board shall elect in the prescribed manner one of its members to be the Vice-Chairman whose term of office shall be for one year.

The rules 3 to 8 are meant for regulating the elections contemplated under section 6 of the Act.

9. *Expenses of Chairman.*—The Chairman shall be paid travelling and other expenses at the following rates.—

- 1. Travelling expenses at First Class Fare and @ 7/8/- per day as D. A.
- 2. Expenses of attending a meeting at the rate of Rs. 10/- per meeting

10. *Expenses of Members.*—Every member other than an official number shall be paid expenses at the following rates:—

- 1. Travelling expenses at First Class Fare and @ Rs. 5/- per day as D. A.
- 2. Expenses of attending a meeting at the rate of Rs. 7/- per meeting.

11. *General rule regarding travelling expenses.*—The following provisions shall apply in respect of the payment of travelling expenses to the Chairman and Members:—

(1) Such expenses shall be payable only in respect of journeys performed in connection with business of the Board including journeys performed in connection with attending the meetings of the Board or Committee thereof;

(2) Such expenses shall be drawn by means of a bill giving the details of each item and signed by the person drawing the expenses. It shall be countersigned by the Chairman who may also countersign his own bills also.

Notes

Rules 9, to 10 and II prescribe matters as required under sub-section (1) of section 24 of the Act which reads as under:—

(1) There shall be paid to the Chairman and members such travelling and other expenses as may be prescribed.

FINANCIAL PROVISIONS

12. An account shall be opened in the Bank doing Government treasury business in the name of the Board and all moneys of the Board shall be deposited in the Bank, subject, to the reservation mentioned hereafter.

13. The Registrar shall receive all moneys payable to the Board. He shall not retain in his hand a sum exceeding Rs. 200/- the balance being lodged in the bank to the credit of the Board.

14. The annual accounts shall be made up by the Registrar. They shall be audited by a chartered Accountant or an Accountant appointed by the Account General Rajasthan as soon as possible after the close of each financial year.

15. In the month of September in each year or on such other date as the State Government may fix, an estimate of the revenue, and of the expenditure of the Board for the year commencing on 1st April next ensuing, shall be sent to the State Government.

16. Such estimate shall make provision for the fulfilment of the liabilities of the Board and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as Government may allot and all fees received from registration and other sources.

17. The State Government shall consider the estimate so submitted to it and shall sanction the same either unaltered or subject to such alterations as it may deem fit.

18. The State Government may at any time during the year for which any estimate has been sanctioned cause a supplementary estimates to be prepared and submitted to it. Every such supplementary estimate shall be considered by the State Government in the same manner as if it were an original annual estimate.

19. No expenditure shall be incurred by the Board which is not duly provided for in the budget or in a supplementary budget estimate.

20. The Registrar shall immediately bring into account in the general cash book all moneys received or spent by the Board.

21. All cheques on the Bank shall be signed by the Chairman or such other person as may be authorised by the State Government.

22. The account of the Board shall be maintained in the language in which accounts of the State Government are for the time being maintained.

REGISTERS AND LISTS

23. *Form of registers under section 31 of the Act.*—(1) The registers under section 31 shall be maintained in the Form No. 4.

(2) Separate registers shall be maintained for (i) Vaidyas, (ii) Hakims and (iii) Midwives.

(3) Each such register shall be divided into two parts—part A and Part B—containing, respectively, particulars relating to practitioners of class A and those of Class B (see sections 31 and 32).

Notes

Section 31 of the Act requires the Board to maintain registers of Vaidhyas Hakeems and midwives in the prescribed form and manner. This rule prescribes the required form and manner of these registers.

24. *Appeals under section 32 (5) from the decision of the Registrar of the Board.*—The appeals against a decision of Registrar filed under section 32 (5) shall be governed by the following rules made under section 54 and particularly under section 54 (2) (h) read with section 32 (6):—

(1) Such appeal shall be filed by means of a memorandum in writing signed by the appellant, which shall be presented by him in person or sent through a duly authorised person or by post so as to reach the office of the Board within the period of ninety days mentioned in section 32 (5). It should state in brief the grounds of appeal.

(2) The Registrar shall maintain a Register of such appeals and enter them under serial numbers. The Register should contain particulars relating to the appellant, the date of receipt of the memorandum of appeal the result of the appeal, when decided and such other particulars as the Chairman may direct to be entered therein.

(3) A meeting of the Board shall ordinarily be held at least once in three months for the purpose of hearing such appeals.

Note.—Nothing in this sub-rule shall be construed as preventing the Board from transacting any other business at the meeting.

(4) Information of the date, time and place of the meeting shall be sent in writing to the appellant in sufficient time so as to allow him a reasonable interval for attending the meeting if he so chooses.

(5) At the meeting held for the purposes, the appellant shall have a right to appear personally or through a legal adviser duly authorised by him and to be heard.

(6) The provisions of the Act and the Regulations thereunder, applicable to meetings of the Board, including sections 17, 18, 19 and 21, shall apply to meetings held for hearing appeals under this rule.

(7) With reference to proceedings held before the Advisory Committee concerned under section 22 (2) (c) read with section 20, this rule shall apply in the same manner as it applies with reference to proceedings before the Board.

(8) Provisions of this rule shall apply, as far as may be, to appeals arising out of applications under section 34 and 36 also.

(9) While an appeal under this rule is heard before the Advisory Committee, the appellant shall have a right to produce oral and documentary evidence at the meeting, but the person presiding at the meeting shall have the power of regulating the taking of such evidence particularly in order to avoid undue delay. Such evidence as is regarded by him as irrelevant need not be recorded at the meeting.

(This is within the powers of the Board).

Notes

This rule has been framed in pursuance of section 42 of the Act which provides that—

(1) The Board may prohibit the entry in, or order the removal from, a register or list of the name of any person—

(a) who has been sentenced by a Criminal Court in India to imprisonment for an offence declared by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register or list undesirable, or

(b) whom the Board after enquiry by itself or through a Committee (at which opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or advocate, and which may, in the discretion of the Board, be held in camera) has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting.

(2) The Board may direct that the name of any person against whom an order has been made under sub-section (1) shall be entered or re-entered as the case may be, after having satisfied itself that due to the lapse of time or otherwise the disability mentioned in sub-section (1) above has ceased to have any force.

Section 36 of the Act reading as under provides that every practitioner shall be entitled to have his name entered in the appropriate list. This rule prescribes the forms of these lists.

25. *From of lists under section 36 (1).*—The list of practitioners enlisted under section 36 (1) (a) shall be maintained in Form No. 5.

(2) The list of persons qualified to practise, maintained under section 36 (1) (b), shall be in Form No. 6.

FORM No. 1

See rule 7 (1)

ELECTORAL ROLL

List of persons qualified to vote under clause of section of the Rajasthan Indian Medicine Act, 1953 in the constituency.

1	2	3	4
Serial number, Registration - number	Name.	Father's Name.	Address.

I certify that all the persons whose names are entered in the above roll are qualified to vote under of the Rajasthan Indian Medicine Act, 1953.

Registrar,
Board of Indian System of Medicine,
Rajasthan.

FORM No, 2

See rule 7 (v)

NOMINATION PAPER

Election under clause of Section of the Rajasthan Indian Medicine Act, 1953.

Constituency.

1	2	3	4	5	6
Name of candidate.	Father's name.	Registration number and name of constituency and serial number on the electoral roll.	Address.	Signature of Proposer	Signature of seconder.

I hereby declare that I am the person about whom the above particulars are given & that I agree to this nomination.

(Signature).....

Candidate

Returning Officer.

INSTRUCTIONS

Nomination papers which are not received by the Returning Officer on or before the.....will be invalid.

FORM No. 3

See rule 7 (ix)

FORM OF BALLOT PAPER

Board of Indian Medicine, Rajasthan outerfoil front
Constituency.

Counterfoil.	Names of candidates.	Marks denoting vote.
Election for Board of Indian Medicine Rajasthan. .....195 S. No of Ballot Paper. No. of the Roll of the elector in the electoral Roll..... Name of the Elector..... Date of Despatch, Initials of Despatching Officer.		

Initials of Returning Officer.
Outerfoil-Reverse

INSTRUCTIONS

1. The number of candidates for whom the elector may vote is... ..
2. You shall vote by placing the mark X opposite the name or names of candidates whom you prefer. If you do not wish to use all your votes (in cases where more than one vote is allowed) you need not do so, but more than one vote may not be given to any one candidate.
3. Under the Rajasthan Indian Medicine Rules, 1956 a ballot paper shall be invalid if-
 - (a) it does not in any way conform to those rules, or
 - (b) it does not conform to the instructions printed thereon, or
 - (c) it does not bear the initials of the Returning Officer, or
 - (d) no vote is recorded thereon, or
 - (e) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his ballot paper, or
 - (f) the number of votes recorded thereon exceeds the number of vacancies to be filled, or
 - (g) It is void for uncertainty of one or more vote exercised; provided that when more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned and not the whole ballot paper shall be invalid on that account.
4. Ballot papers which do not reach the Returning Officer before 12 noon on theday of.....shall be rejected.

FORM No. 4

See rule 24

Register of Practitioners of Indian Medicine.

S.N.	Name.	Father's name	Full address of the dispensary.	Caste	Age.	Qualification	Whether dispensary is aided by Govt. or not.	Another State Boards registration No. if any.
1	2	3	4	5	6	7	8	9

Receipt No. and date of receipt of registration fee.	Signature of the Registrar.	Signature of the chairman.	Registration No. and date.	Remarks.
10	11	12	13	14

Revised Act, 1953.

Qualification	Costo	Indian Member
a Rajasthan		

36 (1) 93

Signature of the Chairman	Signature
---------------------------	-----------

9

18

Case No. 6

OKM 127

ORM 27

Remark

Address.

Author's name

1

A

List of persons
 Act 1953.

State of

Number & date.

9/19/19

1

13

Notifications under

INDIAN MEDICINES ACT, 1953.

Published in Raj. Raj-patra Dated May 22, 1954 part I (b) at page 98

Medical & Health Department Rajasthan

NOTIFICATIONS

Jaipur, May 13, 1954.

No. F. 3 (8) M.H./53.—In exercise of powers conferred by section 1 (3) of the Rajasthan Indian Medicines Act, 1953, the Government of Rajasthan have been pleased to order that the said Act shall come into force with effect from 15th May 1954.

Jaipur, May 13, 1954.

No. F. 11 (17) (A) M.H./54.—In exercise of the powers conferred by sub-section (2) of section 8 of the Rajasthan Indian Medicine, Act, 1953 His Highness the Rajpramukh has been pleased to nominate the following to constitute the first Board of Indian Medicine, Rajasthan as defined in section 4 of the said Act.

Members.

1. Shree Swami Mangaldass, Dadu Vaidhalaya, Jaipur. (Chairman),
2. Shree Kaveraj Madho Prashad Shastri, Jaipur.
3. Shree Bhawani Shanker Vaidya, Udaipur.
4. Shree Sita Ram Vaid, Jaipur.
5. Shree Mohd. Ibrahim Khan, Chandpol Bazar, Jaipur.
6. Shree Swami Jai Ramdass, Supdt. Ayurvedic College, Jaipur.
7. Shree Prem Shanker, Principal, Ayurvedic College, Udaipur.
8. Shree Jasraj Physician Incharge, Jodhpur.
9. Shree Chandra Shekhar, Bundi.
10. Shree Yahya Mcani Hakim, Unani Dispensary, Tonk.
11. (Vacant).

S. L. KAKAR,
Secretary to the Government.

Rules and Notifications under
RAJASTHAN MICA ACT, 1958

RAJASTHAN MICA RULES, 1965

Industries & Mines (B) Department
Jaipur, August 31, 1965

Notification No. F. 3 (1) (65) Ind. (B) 59.—In exercise of the powers conferred by section 21 of the Rajasthan Mica Act, 1958 (Rajasthan Act 25 of 1958), the State Government hereby makes the following rules, the same having previously been published in the Rajasthan Gazette, Part III-B, dated 1-4-65 as required by the said section, namely :—

1. *Short title & Commencement.*—(i) These rules shall be called the Rajasthan Mica Rules, 1965.
(ii) They shall come into force upon their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the subject or context otherwise requires,
(a) "Act" means the Rajasthan Mica Act, 1958 (Rajasthan Act 25 of 1958);
(b) "Controller" means an officer appointed by the State Government to be Mica Controller for the purpose of the Act;
(c) "Form" means a form specified in the schedule to these rules;
(d) "Section" means a section of the Act.

3. *Dealer's licence.*—The Mica dealer's licence shall be in Form A of the Schedule.

4. *Notifying places used for storing or preparing mica.*—(1) The authority to whom a licensee, mining lessee or prospecting licensee shall notify under section 9 of the Act, the places used by him for storing mica or preparing mica for sale shall be the Controller or the officer authorised by him in this behalf.

(2) Every person required to notify the places used for storing or preparing mica shall furnish a declaration:—
(a) in respect of a place used for storing or preparing mica for sale on the date of the coming into force of these Rules, within thirty days of such date; and
(b) in respect of any such place so used for the first time after these rules have come into force within seventy two hours of such use.

(3) Every such declaration shall be in writing and shall be
(a) delivered to or sent by registered post acknowledge-

ment due to the Controller or the officer authorised by him in this behalf; or

- (b) delivered to the officer incharge of the police station within the limits of which the place referred to in the declaration is situated, who shall forward the same to the controller or the officer authorised by him in this behalf.

(4) The Controller or the officer to whom a declaration is delivered under sub-rule (3) shall give to the person, who delivers such declaration an acknowledgement for the receipt thereof in writing.

(5) Every such declaration shall contain such particulars as may be sufficient to locate and identify the place or places referred to therein and shall state,

(a) in the case of a building—

(i) the name of the village with police station and tehsil where it is situated and settlement plot number or if such building is situated in a municipality, the ward and number of the plot in which such building is situated;

(ii) the name of the owner of the building; and

(iii) a description of the building:—

(b) in the case of a place other than a building:—

(i) the name of the village with police station and tehsil where it is situated and settlement plot number or if such place is situated in a Municipality, the ward and the number of the plot in which such place is situated;

(ii) the name of the owner of the place; and

(iii) the description of the place.

(6) Any licensee who intends to close for a period exceeding two weeks, any place in respect of which he has furnished a declaration under this rule, shall before he closes such place or places inform in writing the Controller or the officer authorised by him, either in person, or through an agent, or by registered post, of his intention to do so.

5. *Transport Pass*.—(1) The pass referred to in section 11 of the Act shall be in Form B of the Schedule in Hindi.

(2) Every such pass shall be made out in duplicate and one copy thereof shall be kept by the person issuing it.

(3) Books of passes shall be obtained on payment from the office of the Controller or the officer authorised by him and the passes and their counterfoils shall be serially numbered.

6. *Authority competent to require the production of the licence.*—The authority empowered to require the production of the licence under sub-section (3) of section 12 of the Act shall be the Controller or any officer authorised by him in this behalf or any first class Magistrate or Police officer, not below the rank of a sub-Inspector and having jurisdiction over the area in which the licensee uses any place for storing mica or preparing the same for sale :

Provided that such Police officer shall not take any action under this rule without obtaining prior permission in writing either from the first class Magistrate or the Controller.

7. *Returns.*—(1)(a) Every licensee, prospecting licensee, and mining lessee shall, not later than the tenth day of each month, submit to the Controller or any officer authorised by him in this behalf, a return showing the stock of crude mica, unsorted blocks, sorted blocks, chillas and splittings which were in his possession on the first and the last day of the month immediately preceding the month in which the return is submitted together with totals all additions thereto, issues therefrom, and other transactions relating to the stock during the month.

(b) (i) The returns of crude mica shall be in Form C of the Schedule.

(ii) The returns of unsorted blocks and uncut chillas shall be in Form D of the Schedule.

(iii) The returns of sorted blocks shall be in Form E of the Schedule.

(iv) The returns of cut chillas shall be in Form F of the Schedule.

(v) The returns of splittings shall be in Form G of the Schedule.

2. The returns shall show separately the stock in each place in respect of which a licensee or mining lessee or prospecting licensee has given a declaration under rule 4 and shall be delivered in person or sent by registered post acknowledgement due to the Controller or the officer authorised by him in this behalf.

3. When any return is delivered in person under sub-rule (2) the Controller or the officer authorised by him shall give to the person who delivers such return an acknowledgement for the receipt thereof in writing.

4. (a) If any licensee or prospecting licensee or a mining lessee suspends his business for a period exceeding one month and furnishes the declaration required by sub-rule (6) of rule 4, he shall not be required to submit the returns referred to in sub-

rule (1) of this rule for the period during which his business is so suspended.

(b) such licensee or prospecting licensee or mining lessee shall not recommence his business after such suspension until he has furnished a declaration of his intention to do so to the Controller or any officer authorised by him and shall after he has recommenced his business submit the returns referred to in sub-rule (2) of this rule.

Returns when licence is cancelled etc.—When the licence of a licensee is cancelled under sub-section (1) of section 19 or ceases to be in force under sub-section (4) of section 5 the licensee shall, if he exercise the right conferred on him by sub-section (3) of section 4 submit returns for a period of six months after the expiry of the licence or until the disposal of his stock whichever is earlier.

9. *Compounding of offences*:—(1) the State Government may by notification in the Official Gazette, authorise the officers mentioned in sub-rule (2) to compound offences under the Act.

(2) The Controller or the officers specified below may accept from any person accused of an offence under the Act a sum of money not exceeding the scale stated below, by way of composition for such offence:—

- | | |
|--------------------------------------|--|
| 1. Controller | Up to Rs. 2000/- |
| 2. Jt. Director of Mines and Geology | Up to Rs. 1,500/- subject to the previous approval of the Controller |
| 3. Mining Engineer | Up to Rs. 500/- subject to the approval of the Jt. Director of Mines & Geology |
| 4. Asstt. Mining Engineer | Upto Rs. 250/- subject to the approval of the Mining Engineer. |

(3) Upon payment of the money for which the offence is Compounded;

- (i) no prosecution shall be instituted or continued for that offence against the person in respect of whom the offence has been compounded;
- (ii) such person, if in custody, shall be released and set free; and
- (iii) any property seized in connection with the offence shall, without prejudice to the provisions of sub-section (3) of section 17 of the Act, be restored to such person.

10. *Penalty for breach of certain rules*.—(1) Any contravention of rules 4, 5, 6 or 7 shall be punishable with a fine which may extend to one hundred rupees.

Rajasthan Mica Rules, 1965

(2) The provisions of rule 9 relating to the composition of offences so far as may be applicable to an offence under sub-rule (1) shall apply thereto.

THE SCHEDULE

FORM A

PART I

(See section 5 of the Act & rule 3)
Dealers Licence

Original fee Rs. 250.00
Annual fees Rs. 150.00

No.

This licence is hereby granted to Shrison of
..... resident of village with Head Office at.....
Police Station Districtordinarily
carrying on business at.....to buy mica or to have in
his/its possession or sell mica—

- (i) extracted from a mica dump of which he is in possession;
- (ii) extracted in the State of Rajasthan from a mica mine of which he/it is not in possession or from a mica dump ore; and
- (iii) imported into the State of Rajasthan from any place not situated in the State of Rajasthan.

Issued this..... day of.....19 ..
This licence is granted subject to the following conditions:—

- (a) that the licensee shall not sell mica other than block mica, chillas, splittings and manufactured mica to any person resident or carrying on business in Rajasthan unless such person possesses a dealer's licence;
- (b) that the licensee shall not buy mica other than block mica, chillas, splittings and manufactured mica from a person resident or carrying on business in Rajasthan than unless such persons holds a dealer's licence, prospecting licence or mining lease for mica or is a person exercising the right conferred by sub-section (3) of section 4 of the Rajasthan Mica Act, 1958.

Signature
Mica Controller.

PART II

The following persons are hereby authorised under section 6 of the Rajasthan Mica Act, 1958 to exercise on behalf of the licensee named above, all or any of the powers conferred on such licensee under the Act or under this licence.

Name	Father's name	Place of residence	Date
1	2	3	4

Signature.
Mica Controller.

परिशिष्ट

फार्म (बी)

(अधिनियम की धारा ११ और नियम ५ के अन्तर्गत)

अभ्रक हटाने के लिये पारपत्र (पास)

किताब की संख्या	क्रमांक
१. जारी किए जाने की तारीख
२. जारी किए जाने का समय
३. किसके द्वारा जारी किया गया
४. अनुज्ञापत्र का क्रमांक और दिनांक या उस व्यक्ति के पूर्वोक्त अनुज्ञापत्र या खनिज पट्टे का सदस्य जिसके द्वारा या जिसकी ओर से पारपत्र जारी किया गया
५. अभ्रक की मात्रा तथा आकार या यदि अभ्रक को विभिन्न आकारों में नहीं छाटा गया हो तो उसकी मात्रा तथा विवरण
६. स्थान जहाँ से अभ्रक हटाया जा रहा है
७. अभ्रक का भेजने का निर्दिष्ट स्थान तथा मार्ग जिससे भेजा जावेगा
८. उस व्यक्ति का नाम जिसको अभ्रक भेजा जा रहा है
पारपत्र जारी करने वाले के हस्ताक्षर	
तारीख	

THE SCHEDULE

FORM 'C'

[See rule 7 (1) (b) (i)]

Return No. 1.

'Return of crude mica for the month of 196

Name of the licensee/prospecting licensee/mining lessee
& reference of mineral concession.

Name of the place in respect of which a licensee/prospecting licensee/mining lessee has been given a declaration under rule 4 with name of the police station.

1	Quantity		Remarks 4
	Large (4 and up) 2	Small (5 and down) 3	
1. Opening balance....	2. Receipts during the month.		
(i) from Mine			
(ii) from other places in respect of which a declaration has been given under rule 4 regarding the place for storing preparing mica for sale.			
(iii) from dump.			
3. Total receipts:—	4. Issued during the month.—		
(i) Issued for outing.—			
(ii) despatched to other places in respect of which a declaration has been given under rule 4.—			
(iii) otherwise disposed of—			
5. Total Issue.—	6. Result of cutting		
(i) mixed blocks.—			
(ii) uncut chillas.—			
7. Closing balance	Signature of licensee/prospecting licensee/mining lessee/ or his authorised agent.		
	Date		

Note.—Entries against S. No. 4 (iii) must be explained in remarks column.

THE SCHEDULE

FORM D

[See rule 7 (1)(b)(ii)]

Return No. 2

Return of unsorted Blocks and uncut chill as for the month..... 19....

Name of licensee/prospecting licensee/mining lessee.....
No. and nature of license/lease or reference to mineral concession.....

Name of the place in respect of which a declaration has been given under rule 4 and police station.....

1	Quantity			Remarks 4
	Mixed Blocks		Uncut Chillas	
	Tonnes	Quintal	Kgm.	
2			3	

1. Opening balance.

2. Receipts during the month:—

(i) from crude mica-

(ii) from other places in respect of which a licensee or prospecting licensee or mining lessee has notified places under rule 4—

(iii) from dump:—

[iv] purchased:—

[v] Other sources:—

3. Total receipts:—

4. Issues during the month:—

[i] issued for sorting:—

[ii] despatched to other places in respect of which a licensee or prospecting licensee or mining lessee has notified under rule 4:—

[iii] Sold:—

[iv] otherwise disposed of.

5. Total issue:—

6. Closing balance:—

Signature of the licensee/prospecting licensee/mining lessee or his authorised agent.....

Dated

Note:—Entries against S. No. 2[iv] and 4 [iii] must be explained in the remarks column.

Dated.....

THE SCHEDULE

FORM 'E'

[See Rule 7(1)(b)(iii)]

Return of sorted blocks for the month of.....19

Name of Licensee/prospecting licensee/mining lessee

No. Date and nature of license/lease or reference to mineral concession....

Name of the place in respect of which a declaration has been given under rule 4 and Police station

			Quantity					
Special No.	1	2	3	4	5	6	7	Remarks

1. Opening Balance.

2. Receipts during the month—

[i] from sorting:—

[ii] from other places in respect of which a licensee or prospecting licensee or mining lessee has given a declaration under rule 4:—

[iii] purchased:—

[iv] other sources:—

3. Total receipt:—

4. Issued during the month:—

[i] despatched to other places in respect of which a licensee, prospecting licensee or mining lessee has given a declaration under rule 4:—

[ii] sold or exported:—

[iii] issue for splittings:—

[iv] otherwise disposed of:—

5. Total issue:—

6. Closing balance:—

Signature of the licensee/prospecting licensee/mining lessee
or his authorised agent

Dated.....

Entries against S. No. 2 [iv] & 4 [iv] must be explained in the remarks column.

THE SCHEDULE

FORM 'F'

See Rule 7 [1] [b] [iv]

Return No. 4

Return of cut chillas for the month of 19.....

Name of licensee/prospecting licensee/mining lessee.....

No. & date and nature of the license/lease

Name of the place in respect of which a declaration has been given under rule 4 and police station

Quantity

No. 4 and up	No. 5 and up	Mixed	Remarks
--------------	--------------	-------	---------

1. Opening balance:—

2. Receipt during month:—

(i) from uncut chillas:—

(ii) from Blocks:—

(iii) from other places in respect of which a declaration has been given under rule 4:—

(iv) purchased;—

(v) other sources,

3. Total receipt:—

4. Issues during the month:—

i) despatched to other places in respect of which a declaration has been given under rule 4:—

(ii) sold or exported:—

(iii) otherwise disposed of:—

5. Total issue:—

6. Closing balance:—

Signature of the licensee/prospecting licensee/mining lessee
or his authorised agent

Dated..... ..

Note:—Entries against serials 2 [v] and 4 [iii] must be explained in the remarks column.

THE SCHEDULE

FORM 'G'

[See Rule 7 (1)(b)(v)]

Return No. 5

Return of splitting for month of..... 19.....

Name of the Licensee/prospecting licensee/mining lessee

Name of the place in respect of which a declaration has been given under rule 4 and police station..... ..

No. and date and nature of the license or reference to mineral concession..... ..

Quantity				
Pan packed	Book		Lease	
Tonnes	Quin-Kgm	Tonnes	Quin-Kgm.	Rem-
tal.		tal.	tal.	arks.
1	2	3	4	5

1. Opening balance.

2. Receipts during the month:—

[i] from blocks and chillas:—

[ii] from other places in respect of which a declaration has been given under rule 4:—

[iii] from dump:—

[iv] purchased:—

[v] other sources:—

3. Total receipt:—

4. Issues during the month:—

[i] despatched to other places in respect of which declaration has been given under rule 4:—

[ii] sold or exported:—

[iii] otherwise disposed of:—

5 Total issue:—

6. Closing balance:—

Signature of the licensee/prospecting licensee/mining lessee or his authorised agent

Date..... ..

Note:—Entries against S. No. 2 (v) and 4 (iii) must be explained in the remarks.

Notifications under

RAJASTHAN MICA ACT, 1958

Industries & Mines (B) Department

Jaipur, August 11, 1965.

Notification No. F. 3 (1) (65) Ind. (B) 59/5311.—In exercise of the powers conferred by sub-section [3] of section 1 of the Rajasthan Mica Act, 1958 (Rajasthan Act 25 of 1958), the State Government hereby appoints 1st October, 1965 to be the date from which the said Act shall come into force.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 9-9-65—Page—3(66)]

Industries and Mines [B Department

Jaipur, December 3, 1965.

Notification No. F. 3 (1) (65) Ind. (B) 59.—In pursuance of sub-rule [1] of Rule 9 of the Rajasthan Mica Rules, 1965, the State Government hereby authorises the officers specified below to compound offences under Rajasthan Mica Act, 1958 (Rajasthan Act 25 of 1958) in respect of the areas noted against each in their respective jurisdictions:—

Name of the officers	Area
1. Controller	Whole of the State of Rajasthan.
2. Joint Director (Adm.) of Mines	-do-
3. Mining Engineer, Bhilwara	Within their jurisdiction.
4. Mining Engineer, Udaipur	-do-
5. Mining Engineer, Jaipur	-do-
6. Mining Engineer, Jodhpur	-do-
7. Assistant Mining Engineer, Ajmer	-do-
8. Assistant Mining Engineer, Alwar	-do-
9. Assistant Mining Engineer, Bhilwara	-do-

[Pub. in Raj. Gaz. 4 (Ga) Dt. 17-2-66—Page 546]

Rules and Notifications under

MINES & MINERALS (REGULATION AND DEVELOPMENT)
ACT, 1948. (CENTRAL ACT, No. 43 of 1948).

The Rajasthan Minor Mineral Concession RULES, 1955.

Government of Rajasthan
Department of Commerce & Industries.

NOTIFICATION

Jaipur, April 12, 1955.

No. F. 11 (23) C. I. M./51-11.—In exercise of the powers conferred by rule 4 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan is hereby pleased to make the following rules for regulating the grant of quarrying licenses and mining leases for minor minerals, in supersession of all previous rules and practices in various parts of Rajasthan on the subject, namely:—

Notes

Mineral Concession Rules, 1949 have framed by Central Government in exercise of the Mines and Mineral (Regulation and Development) Act, 1948. Section 5 of the Act reads as under:—

The Central Government may, by notification in the official Gazette, make rules for regulating the grant of mining leases or for prohibiting the grant of such leases in respect of any mineral or in any area.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which, the minerals or areas in respect of which and the persons by whom, applications for mining leases may be made and the fees to be paid on any such applications;

(b) the authority by which, the terms on which, and the conditions subject to which, mining leases may be granted;

(c) the maximum or minimum area and the period for which any mining lease may be granted, and the terms on which leases in respect of contiguous areas may be amalgamated;

(d) the fixing of the maximum and minimum rent payable by a lessee, whether the mine is worked or not.

State Government has framed these rules in pursuance of powers conferred by Central Government to it under rule 4 of the Mineral Concession Rules, 1949.

CHAPTER I.

Preliminary.

1. *Short title & commencement.*—(1) These rules shall be called the Rajasthan Minor Mineral Concession Rules, 1954.

(2) These rules extend to the whole of Rajasthan.

(3) These rules shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Saving of Atomic Energy Act, 1948.*—Nothing in these rules shall affect the provisions of the Atomic Energy Act, 1948 (Act XXXIX of 1948).

These rules have been first published in Rajasthan Raj-patra Dated June 11, 1955 part IV (c) at page. 254

3. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

(i) "Department" means the Department of Mines and Geology, Government of Rajasthan;

(ii) "Director" means the Director of Mines and Geology, Rajasthan;

(iii) "Government" means the Government of Rajasthan;

(iv) "mining lease" means a lease to mine, quarry, bore, dig, search for, win, work and carry away any minor mineral or minerals specified therein;

(v) "minor mineral" means a minor mineral as defined in rule 3 (ii) of the Mineral Concession Rules, 1949 of the Central Government as amended from time to time.

(vi) "quarrying license" means a license to search for any minor mineral specified therein by carrying, boring and digging or otherwise;

(vii) "Stray deposits" means isolated or scattered minor mineral deposits of Kankar, Bajri (Sand) and ordinary masonry building stone, of local importance in Rajasthan, and not developed on systematic lines.

4. *Exemption.*—Notwithstanding anything contained in these rules—

(a) Excavation of masonry stones and ordinary clay including brick making clay shall be free of any royalty or permit fee; and

(b) Excavation of lime stone or Kankar from the areas which are not occupied by a lessee or a licensee may be made under a permit valid for 2 months issued on payment of Rs. 5/- as rent-cum-royalty by the Mining Engineer or the Assistant Mining Engineer or the Tehsildar or the area;

Provided that the aforesaid excavations are made by a cultivator for bonafide purposes of construction or repair of—

(1) irrigation tanks, nals and nadis,

(2) wells.

(3) compound walls for fields, or

(4) residential houses including compound walls in rural areas;

Provided further that in case of a doubt whether the person is a cultivator or not, or his purpose is bona fide or not, the officer concerned may ask the cultivator to produce a certificate of his being a cultivator and his purpose being bona fide from the Panchayat of the village where he resides or if there is no Panchayat, of a Revenue Officer not below the rank of a Naib Tehsildar and such certificate shall be issued after verification by a Panch or where there is no village Panch, by the Patwari;

And provided further that nothing in this rule shall abridge the rights of cultivators under section 36 of the Rajasthan Tenancy Act, 1955.

"Cultivator" in this Notification will include land less tenants.

Notes.

The present rule has been substituted for the old one vide amending Notifications No. F. 3 (4) (1) Ind. (B)/58 dated 17/4/58 issued by Industries Mines and Labour Department and published in Rajasthan Rajpatra part IV (c) dated 19/6/58. The old rule is reproduced below for ready reference:—

These rules shall not apply (a) to the extraction of minor minerals by cultivators for bona fide agricultural or domestic purposes for which no permission will be necessary provided such extraction is in accordance with the notification No. F. 11 (131) C I M /51 dated the 9th July 1953 of the Government of Rajasthan in Commerce and Industries Department or any subsequent notification modifying or replacing the aforesaid notification that the Government may issue in this behalf or (b) to small stray deposits of minor minerals for the extraction of which no permission or lease will be necessary but which shall be subject to the payment of royalty at the rates prescribed by these rules.

CHAPTER II.

Certificate of Approval.

5. *Certificate of Approval.*—Where a certificate of approval is required by virtue of a notification under rule 6 (3) or rule 19 (2) then the procedure for obtaining and granting a certificate of approval shall be the same as is provided in Chapter II of the Mineral Concession Rules, 1949, of the Central Government, with this alteration, that reference, to the approval of the Central Government shall be omitted.

NOTE:—A person holding a valid and undetricted certificate of approval for a major mineral with reference to the said rules need not obtain another certificate for minor minerals.

CHAPTER III.

Grant of Quarrying Licenses.

6. *Restrictions on grant of quarrying license*—(1) No quarrying license shall be granted to a person if he is an individual other than a citizen of India without the prior approval of the Government.

(2) No quarrying license shall be granted in respect of any such minor minerals of class or minerals as the Government may by a notification in the Rajasthan Gazette, specify. Such notification may be for the whole of Rajasthan or any part thereof.

(3) No quarrying license for such minor minerals as may be notified in this behalf by the Government shall be granted to a person not holding a valid certificate of approval.

(4) No quarrying license shall be granted for an area less than 1000 by 500;

Provided that the Government may relax the provisions of this sub-rule in a particular case or for a particular mineral.

(5) No quarrying license shall be granted for an area if it is not permanently demarcated by the applicant, to the satisfaction of the authority empowered to the license.

7. *Application for quarrying license and fee.*—An application for a quarrying license shall be made to the Director accompanied by a fee of Rs. 5/- and shall contain the following particulars:—

(a) (i) if the applicant is an individual, his name, nationality, profession and residence and father's name; or

(ii) if the applicant is a company, syndicate, of partnership its name, nature of business, place of business and place of registration or incorporation;

(iii) number and date of the notification of grant or renewal of certificate of approval of the applicant (in cases where such certificate is necessary, see rule 6 (3); ;

(b) description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area with dimensions of the land in respect of which the license is required. In giving description, the past operational history should invariably be given;

(c) the period for which the license is required;

(d) the name of the mineral or minerals for which the applicant intends to obtain the license; and

(e) details of other quarrying licenses or mining leases held by the applicant in Rajasthan under these rules or otherwise.

8. *Number of quarrying licenses that can be held.*—Not more than 10 quarrying licenses shall be held by a person at a time.

9. *Application to be forwarded.*—The application for quarrying license shall be forwarded to the Government.

10. *Government may grant or refuse a quarrying license.*—Subject to the provisions of rules 6 to 9 the Government may grant or refuse the quarrying license for the whole or part of the area applied for by the applicant.

(2) In case of refusal, intimation of the same shall be given to the applicant in writing but the fee paid under rule 7 shall not be refunded.

10-A. *Licenses to be executed within two months.*—Where a license has been granted under rule 10, the formal license shall be executed within two months from the date of communicating the sanction to the party and if no such formal license is executed within the aforesaid period, the order granting the license shall be deemed to have been revoked :

Provided that when the State Government or any officer authorised by the State Government to grant quarrying license in its behalf is satisfied that the applicant for the license is not responsible for the delay in the execution of the formal license, the State Government or that officer as the case may be, may permit the execution of the formal license after the expiry of the aforesaid period of two month.

Notes

This rule has been newly added vide amending Notification No. F. 6 (ii) (3) Ind. (B)/57 dated 30/8/57, published in Rajasthan Rajpatra part IV (C) dated 7/11/57.

11. *Acknowledgement of application.*—On receipt of the application, the office of the receiving officer shall give an acknowledgement and shall note the time of the same on the application.

12. *Priority*.—If more than one application for quarrying license regarding the same land in whole or part thereof is received, preference shall be given to the application received first, unless the Government for any special reason decides to the contrary. The priority shall not be considered in case of those applicants in whose favour there are any Government dues outstanding on the date of applying or who are not regular in paying the same; Provided that if more than one application in respect of the same land or part thereof is received on the same day, the Government may grant the license to such of the applicants as it considers fit in view of the applicant's past experience in quarrying and the number of quarrying licenses or mining leases held by him on the date of submission of such application.

13. *Advance payment and security deposit*.—The applicant shall before the quarrying license is issued to him, deposit in advance the license fee for the period upto which it is granted. He shall also deposit as security a sum of Rs. 100/- for each sq. mile or part thereof, covered by the license.

14. *Khasra or Register of licenses*.—A "Khasra" or register of quarrying licenses shall be maintained at the Divisional offices of the Department, specifying in respect of their jurisdiction.

1. Serial Number.
2. Name of applicant.
3. Residence of applicant.
4. Date of application.
5. Situation, description, boundaries of the land.
6. Dimensions of the area.
7. The minor mineral or minerals which the applicant desires to quarry.
8. Date of grant of license.
9. Period for which granted, renewed or extended.
10. Application fees or other fees paid.
11. Manner in which royalty to be paid on actual output.

15. *Period of grant or renewal of quarrying license*.—(1) Except for all types of sandstone and limestone used for building and lime-burning purposes, the period for which a quarrying license may be granted for a minor mineral shall not exceed two years. If at the end of this period the Government is satisfied that a longer period is in the interest of the property and the Government and is required to enable the licensee to complete proving of the minor mineral deposit, it may be renewed for further period not exceeding one year. In case of all types of sandstone and limestone used for building and lime burning purposes, the term for which a license may be granted shall not exceed one year, but it may be renewed for a further period not exceeding one year.

(2) If the licensee at least six weeks before the termination of the period of his license applies for its renewal or for the grant of a

mining lease, the period shall be further extended till the application for renewal or for mining lease is granted or rejected. The renewal application shall be accompanied by the license fee, without which the applicant shall have no right to renewal. If no application for renewal of license or grant of mining lease thereof is received before the termination of the license, the area held under it shall be considered as free land and shall be open for regrant of the concessions in accordance with these rules.

16. *Conditions of quarrying license.*—(1) Every quarrying license shall include the following conditions :

- (i) the license shall not be assigned or transferred without the previous sanction of the Government.
- (ii) the licensee shall pay in advance to the Government such fee as may be fixed in each case by the Government at a rate not less than two annas and not more than Re. 1/- per 100 sq. feet or a fraction thereof of the area covered by the license, for each year or portion of year of the period for which the license is granted or renewed and shall also pay the same royalty as is payable by a mining lessee under rule 31(1).
- (iii) In case of breach by the licensee or his transferee or assignee of any of the conditions of his license the Government after giving the licensee an opportunity of hearing cancel the license and/or forfeit in whole or part the amount deposited as security under rule 13.

(2) The licensee shall abide by such conditions as the Government may deem fit, including conditions relating to the following:—

- (i) time and place of payment of the fees ;
- (ii) compensation for damage to land in respect of which license has been granted;
- (iii) indemnity to the Government against the claim by a third party for any damage, injury or disturbance caused to him by the licensee ;
- (iv) restrictions on quarrying operations in an area prohibited by any competent authority ;
- (v) restrictions regarding felling of trees on unoccupied and unreserved Government land ;
- (vi) operation in a reserved protected forest ;
- (vii) conditions regarding entry on and possession of occupied lands ;
- (viii) forfeiture of property left after determination of license; and
- (ix) power to take possession of plant, machinery, tools and implements and premises in the event of termination of license by war or emergency.

17. *Right to mining lease.*—On or before the termination of his license, the quarrying licensee shall have an option to a mining lease or leases over the whole or part of the area covered by the

license, in accordance with and subject to the rules in force governing such leases at the time to the grant of the licenses;

Provided that the Government for reasons to be recorded in writing and communicated to the licensee, refuse, to the grant of a mining lease to any such licensee ;

18. *Report of information obtained by the licensee.*—The quarrying licensee shall submit to the Director a full report of the work done by him, total periodical output of the mineral won, and royalties that have accrued to the Government and disclose all information acquired in course of the operations carried on under the license.

CHAPTER IV

Grant of Mining Lease

19. *Restriction on grant of mining lease.*—(1) No mining lease shall be granted in respect of any such minor minerals as the Government may notify in this behalf. Such notification may be for the whole of Rajasthan or any part thereof.

(2) No mining lease for such minor mineral or mineral as may be notified in this behalf by the Government shall be granted to any person unless he holds a valid certificate of approval.

(3) No mining lease shall be granted to a person if he is an individual other than a citizen of India unless the prior approval of the Government has been obtained.

20. *Application to be made to Director.*—Every application for the grant of a mining lease shall be made to the Director.

21. *Application fee.*—Every application for a mining lease shall be accompanied by a fee of Rs 5/-. If the applicant is refused the grant of the lease applied for on account of any special condition imposed thereon the fee shall be refunded.

22. *Application for mining lease.*—An application for mining lease shall contain the following particulars:—

(a) name, residence and profession of the applicant and his father's name : in the case of a company or firm, its place of business and place of registration or incorporation;

(b) name of the mineral or minerals for which the applicant intends to obtain the lease ;

(c) a description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land with respect to which the lease is required ;

(d) the areas and minerals within the jurisdiction of the Government for which the applicant or any person joint in interest with him already holds a mining lease or prospecting license ;

(e) the number and date of the grant or renewal of certificate of approval (in cases where it is necessary-see rule 19 (2)) ;

(f) the period for which the lease is required ;

23. *Priority.*—If more than one application in respect of the same land in whole or part thereof is received, preference shall be

given to the application received first; unless for any special reason the Government decides to the contrary;

Provided that if more than one application in respect of the same land or part thereof is received on the same day, the Government may grant the mining lease to such of the applicants whom it considers fit in view of the following matters :

1. Past experience in mining.
2. Number of prospecting licenses and mining leases held.
3. Financial soundness and stability.
4. Claim of having worked the area at any time and the work having been found systematic.

24. *Register of mining lease.*—A register of mining leases shall be maintained by the Divisional Officers of the Department, specifying the particulars given below :—

(a) Serial Number (b) Name of the applicant. (c) Residence of the applicant. (d) Date and Number of the certificate of approval, if any, granted to the applicant. (e) Date of the application (f) Situation and boundaries of the land (g) Estimated total area. (h) The mineral or minerals under mining lease. (i) Date of the grant of the mining lease. (j) Period of the lease granted (renewed or extended). (k) Dead rent and royalty payable. (l) Amount of security deposited. (m) Date of assignment or transfer of the lease, if any, and fees paid therefor and the names of the parties thereto.

25. *Area of mining lease.*—A mining lease may be granted or refused for the area applied for, or portion thereof, as the Government may deem fit ;

Provided that the lessee by himself or with any person joint-interest with him shall not hold more than 30 sq. miles under lease in respect of one mineral or a related group of minerals within the State ;

Provided, further, that at the time of renewal of the lease, the lessee may surrender any part of the leased area subject to provisions of rule 26 ;

Provided, also, that the Government may relax provisions of this rule in a particular case or for a particular mineral.

26. *Length & breadth of area leased.*—The length of an area held under a mining lease shall not exceed two times its breadth :

Provided that the Government may in any particular case relax the provisions of this rule.

27. *Boundaries below the surface.*—The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

28. “The lessee shall be required to deposit as security in cash or Government securities, or National Saving Certificates a sum equal to one fourth in case the instalments are monthly and to half in case the instalments are quarterly, of the yearly dead rent payable by him. The certificates shall be formally transferred to the

departmental authority which takes the deposit with the sanction of the Head Post Master and will be accepted at their surrender value at the time of tender."

Notes

The rule as appearing now has been substituted in place of old one vide amending Notification No. F. 11 (23) c. I/M./51/55 dated 5/11/56, published in Rajasthan Rajpatra, part IV (c) dated 25/4/57.

29. *Transfer of mining lease.*—(1) The lessee may, with the previous sanction of the Government and subject to the conditions specified in the first proviso to rule 25 and in rule 26, transfer his lease or any right or interest therein, to a person on payment to the Government of a fee as specified below:—

- | | |
|---|----------|
| (a) For leases where dead-rent does not exceed Rs. 100/- annually | Rs. 11/- |
| (b) for leases where dead-rent exceeds Rs. 100/- annually | Rs. 50/- |

(2) Where a notification under rule 19(2) applies to the case, the transferee must be a person holding a valid certificate of approval.

30. *Period of lease.*—A mining lease may be granted for a period of 5 years unless the applicant himself desires a shorter period;

Provided that the period may be extended by the Government for the another period not exceeding 5 years with option to the lessee for renewal for another equivalent period, in case the lessee guarantees investments in machinery, equipments and the like, at least to the tune of 20 times the value of annual dead rent within 3 years from the grant of such extension. The value of the machinery, equipment and the like shall be determined by the Government. Where the lease is so renewed, the dead rent and the surface rent shall be fixed by the Government within the limits given in the Second Schedule to these rules, and shall in no case exceed twice the original dead rent and surface rent respectively and the royalty shall be charged at the rates in force at the time of renewal.

31. *Conditions.*—Every mining lease shall include such conditions and such other provisions as may in each particular case be found expedient by the Government as to matters enumerated in rule 41 (2) of the Mineral Concession Rules, 1949 and shall in all cases contain the following conditions:—

(1) the lessee shall pay the royalty on minerals despatched from the leased area at the rate specified in the First Schedule to these rules:

These rates shall be liable to be revised by the Government with effect from the beginning of the year 1957 and thereafter once in every 5 years and every such revision shall apply at the time of revision, provided that in case of a lease executed after the coming into force of these rules, the lessee shall not be required to pay, during the currency of his lease, a rate of royalty exceeding $1\frac{1}{2}$ times the original rate specified in his lease;

(2) the lessee shall pay for the surface area used by him for the purpose of mining, surface rent at such rate not exceeding the land revenue as may be specified by the Government in each case;

(3) the lessee shall also pay, for every year, such yearly dead-rent within the limits specified in the Second Schedule to these rules as may be fixed by the Director in each case, and if the lease permits the working of more than one mineral in the same area, the Government may charge separate dead-rent in respect of each mineral;

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher in amount, but not both;

(4) the lessee shall pay all dues in the office of such officers in such manner and at such place as may be mentioned in the lease;

(5) the lessee shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage, injury or disturbance;

(6) the lessee shall not cut or injure any tree in area of his lease without the previous sanction in writing of the Chief Conservator of Forests, Rajasthan or an officer authorised by him;

(7) the lessee shall at his own expense erect and at all times maintain and keep in repair boundary pillars and marks according to the demarcation to be shown in a plan annexed to his lease;

(8) the lessee shall not erect any building or carry on any surface operations on any public pleasure grounds, places of worship, sacred groves, burial grounds or village sites for houses, public roads, or other places which the competent authority may determine on public grounds to bring within this restriction;

(9) the lessee shall commence mining operations within one month from the date of communication of the sanction of the lease to him and thereafter carry on such operation effectually in a proper, skillful and workman like manner both as regards prevention of waste by removal of sufficient overburden, careful storage of waste, and drainage and as regards removal of all valuable minerals within the mine;

(10) the lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mines and the number of persons employed therein, and also complete plans of the mine, and shall allow any officer of the Department at any time to examine such accounts and plans and shall furnish him with such information and return in respect of aforesaid matter as he may require;

(11) the lessee shall abide by all existing Acts and rules enforced by the Government of India or the State Government, and all such other Acts or rules as may be enforced from time to time in respect of working of the mines and other matters affecting safety, health and convenience and of the lessee's employees or of the public;

(12) the lessee shall allow existing and future licensees or leaseholders of any land which is comprised in or adjoins or is reached by the land held by the lessee, reasonable facilities for access thereto;

(13) the lessee shall allow any officer of the Department to enter upon the premises comprised in the lease for the purpose of inspecting the same, and abide by instructions issued by him from time to time regarding the conservation and development of minor minerals and other related matters.

(14) the lessee may erect on the area granted to him, any building required for bonafide mining purposes and such buildings shall be the property of the Government after expiry of the lease;

(15) the lessee shall without delay report to Director or any officer authorised by him any accident which may occur at or in the said premises and also the discovery on or within any of the lands or mines demised by the lease of any mineral whether mine for otherwise, not specified in the lease;

(16) if the lessee intends to work such newly discovered mineral or minerals he shall within three months of making such report as is mentioned in sub-rule (15) intimate his intention to the officer of the Department having jurisdiction over the area and apply for quarry license or mining lease in respect thereof in accordance with the rules regulating the grant of mining concessions for that mineral, but such quarry license or mining lease shall not be granted as a matter of right;

(17) if the lessee intimates his intention not to be work the newly discovered minerals or fails to inform intention to work it within a period of three month, then it shall be open to the Government to grant a license or lease for the working of the same to any other person;

(18) the lessee may give notice in writing to the Government at any time intimating his intention to surrender the lease on the expiration of six months from the date of notice, after which period no fresh liabilities will accrue against the lessee in respect of his lease;

(19) the lease shall be liable to be cancelled by the Director, if the lessee ceases to work the mine for a continued period of six months without obtaining written sanction of the Government;

(20) the Government shall have the right of preemption at current market rates over all minerals demised by the lease, (and shall be indemnified by the lease against claims of any third party in respect of such minerals.)

(21) should the royalty or rent reserved or made payable by the lease or surface rent be not paid within two months next after the date fixed in the lease for payment of the same, the Director or any officer duly authorised by him, may enter upon the said premises and distrain all or any of the minerals or movable property therein and may carry away, detain or order the sale of the property so distrained, or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof, and if any royalty or rent remain at any time unpaid for 3 calander months after the date on which it is due, the Government may determine the lease and take possession of the premises comprised therein. These rights shall be without prejudice to the right to realised dues under the Rajasthan Public Demands Recovery Act, 1952;

(22) in case of any breach on the part of the lessee of any covenant or condition contained in the lease (other than a condition regarding rent royalty), the Government may determine the lease and take possession of the said premises, or in the alternative, may impose payment of a penalty not exceeding twice the amount of the annual dead-rent from the lessee. Such action shall not be taken unless the lessee has failed to remedy the breach after 30 days' notice;

(23) at the end or sooner determination of the lease the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment, to any person authorised by the Director by a general or a special Order in this behalf.

Notes

The words beginning with, "to any person" and ending with "in this behalf" appearing at the end of word 'abandonment' in this sub-rule have been newly added vide amending notification No. F-6 (I) (71) I (M) 56 dated 25-5-58, published in Rajasthan Rajpatra part IV (C) dated 31-7-58.

(24) (a) the Government may determine the lease if considered desirable from the point of view of public interest.

Explanation :—The determination of the lease in the public interest shall be considered desirable only when the lease is to be determined in the interest of an industry which has been or will in future be established by the Government or which the Government may establish through a company or limited or unlimited concern or through any person, or when the Government wishes to conduct mining operation of its own;

(b) a determination under this sub-rule shall not be valid unless six calander months' notice in writing has been given by the Government to the lessee. Such notice need not however be given in war or emergency.

“31-A. *Lease to be executed within two months.*—Where a lease has been granted under rule 22 the formal lease shall be executed within two months from the date of communicating the sanction to the party and if no such formal lease is executed within the aforesaid period, the order granting the lease shall be deemed to have been revoked:

Provided that where the State Government or any Officer authorised by the State Government to grant lease in its behalf is satisfied that the applicant for the lease is not responsible for the delay in the execution of the formal lease, the State Government or that Officer as the case may be, may permit the execution of formal lease after the expiry of the aforesaid period of two months.”

Notes

This rule has been newly added vide amending notification No. F-6 (ii) (3) Ind. (E)/57 dated 30-8-57, published in Rajasthan Rajpatra part IV (C) dated 7-11-57.

32. *Currency of lease.*—The currency of the lease shall be from the date of communication of sanction to the party, unless otherwise stated. The lessee shall have no right to continue work or to accumulate stock on or after the date of termination of the lease however, unless otherwise sanctioned by the Government. All accumulated stock and immovable property left in the leased out area after the date of expiry of lease shall be deemed to be Government property.

CHAPTER V

Grant of Mining Lease and Royalty Collection Contract by
Auction or by Inviting Tenders or by Other Methods

33. *Grant of mining lease by auction or tender.*—(1) Notwithstanding anything in these rules, any minor mineral deposit may be leased out by public auction or by inviting tenders to be submitted for acceptance by the authority competent to grant the lease.

(2) In such cases, the annual dead-rent of the lease shall be determined in the auction or by tender, as the case may be and may exceed the rate given in the Second Schedule to these rules.

(3) Leases by public auction or tender under sub-rule (1) shall be given only in such case as the Government may, by general or special order, direct.

34. *Grant of Royalty collection contract and auction or tender for it.*—Notwithstanding any thing in these rules, any minor mineral deposit may be leased out by a contract (to be called a royalty collection contract), whereunder the contractor undertakes to pay an amount annually to the State, with a provision that direct working lessee shall enjoy the right of mining on payment of royalty collection contractor at rates contained in the First Schedule to these rules.

(2) Royalty collection contracts may be given out by auction or tender.

(3) The amount to be paid annually by a royalty collection contractor to the State shall be determined in auction or by tender as the case may be.

(4) Royalty collection contracts shall be given out only in such cases as the Government may, by general or special order, direct.

(5) A Royalty Collection Contract shall be granted for a period not exceeding two years provided that it may be extended thereafter for a further period not exceeding two years by the authority granting the contract.

Notes

Sub-rule (5) to rule 34 has been newly added vide amending notification No.F. 6 (6)/CIM/55 dated 27/2/57, published in Rajasthan Rajpatra part IV (C) dated 2/5/57.

35. *Procedure for auction and tenders.*—Auctions and tenders under rules 33 and 34 shall be governed by the procedure provided in the rules that follow.

36. *Rejection of any bid or tender.*—The Director shall be the presiding officer for auctions and tenders and he may reject or accept the highest or any bid or tender without assigning any reason. Where the highest tender is rejected, the reasons shall be reported to the Government.

37. *Procedure for auction.*—The following will be the procedure for holding auctions:—

(i) The auction shall be duly notified in the Rajasthan Gazette and on the notice board of the Director.

(ii) The terms and conditions and description of the lease shall be read out to the intending bidders at the time of the auction.

(iii) The intending bidders shall deposit such earnest money as may be fixed by the Director in each case, such amount to be notified in the Gazette.

(iv) On completion of the auction the result will be announced and the provisionally selected bidder shall deposit 25% of the amount of bid for the one year and security in accordance with rule 28.

(v) The quarries recording fall in revenue more than 25% will not be allowed to a contract or without prior approval of Government.

(vi) No bid shall be regarded as accepted unless confirmed by Government.

38. *Payment of dead rent or contract money if period not more than one year.*—In case of leases or royalty collection contracts granted for not more than one year, the balance of the dead-rent or contract money shall be payable in the manner indicated below:—

Another 25% of the bid shall be paid by the lessee or contractor within 15 days from the date of the notification to him of the confirmation of his bid by Government or before the date of execution of lease whichever is earlier; and the balance shall be paid within 30...

days after execution of lease. The payments shall be made in the Government Treasury and a copy of the challan be submitted to Divisional Officer concerned of the Department. When the amount of bid is less than Rs. 1,000/- the entire amount shall be payable on the day of the auction. Earnest money received will be refunded immediately at the conclusion of the auction can be punished by his removal from the auction.

39. *Payment of contract money or dead rent if the period is more than one year.*—In case of leases or royalty collection contracts granted for more than one year the balance of the contract money or dead rent shall be payable in the manner indicated below:—

Another 25% of the bid calculated on annually payable amounts shall be paid by the lessee within 10 days from the date of notification to him of the confirmation of his bid by the Government or before the date of execution of the lease whichever is earlier. The balance shall be paid on the date on which the half yearly instalments fall due and then according to the manner prescribed in the lease.

40. *Procedure for calling tenders.*—The following shall be the procedure for calling tender:—

(i) The tender shall be notified in the Rajasthan Gazette along with terms and conditions of the tender and lease.

(ii) The tender shall be submitted in sealed cover superscribed with the relevant details.

(iii) Every tender shall be accompanied by the earnest money in cash or crossed demand draft, the amount of which shall be fixed by Director in each case and notified in the Gazette.

(iv) The tender will be opened in the presence of the tenderer or tenderers who may be present at the notified time for opening the tenders. The highest tenderer who is provisionally selected shall deposit 25% of the amount of tender for one year and a security in accordance with rule 28.

(v) No tender shall be regarded as accepted unless approved by the Government.

41. *Execution of lease.*—When a bid is confirmed or a tender is accepted, the bidder or tenderer shall execute a lease, which shall contain the terms and conditions mentioned in rule 31, with such modifications as may be necessary by reason of the provisions of rules 33 and 34.

NOTE:—The Director should see that these terms and conditions are read out under rule 37 (ii) to intending bidders, or notified in the Gazette under rule 40 (i) as the case may be.

41-A. *Lease or contract to be executed within two months.*—The execution of lease or contract as required under rule 41 shall be made within two months of the order of the acceptance of bid or tender and if no such lease or contract is executed within the aforesaid period, the order accepting the bid or tender shall be deemed to have been revoked:

Provided that where the State Government or any officer authorised by the State Government to accept bid or tender in its behalf is satisfied that the bidder or tenderer is not responsible for the delay in the execution of the lease or contract, the State Government or that officer as the case may be, may permit the execution of the lease or contract after the expiry of the aforesaid period of two months.

Notes

Rule 41A has been newly added vide amending Notification No. F. 6 (ii) (3) Ind. (B)/57 dated 30/8/57, published in Rajasthan Rajpatra part IV (C) dated 7/11/57.

42. *Government may adopt any other procedure for leasing out minor mineral deposits.*—Notwithstanding anything in these rules, Government may adopt any other method for leasing out minor mineral deposits in the best interest of the industry and development of the deposit. Such decision shall be notified in the Rajasthan Gazette.

CHAPTER VI

Appeal and Delegation of Powers

43. *Delegation.*—(1) The Government may, by a notification in the Rajasthan Gazette, direct that the powers of the Government under all or any of the these rules, including the power to grant quarrying licences or mining leases, may be exercised by the Director or by any other officer or officers of the Department, or by other officers subject to such restrictions and for such area and within such limits, if any, as the Government may direct.

(2) The Government may, by notification in the Rajasthan Gazette direct that the powers of the Director, under any or all of these rules or delegated to him under sub-rule (1) may be exercised by any officer or officers of the Department or other officers, subject to such restrictions and within such limits and for such area (if any) as the Government may direct.

44. *Effect of delegation.*—While a notification under rule 43 is in force, an officer so exercising the powers of the Government or the Director in accordance with the notifications shall be deemed to be the Government or the Director (as the case may be) for the relevant provisions of these rules.

45. *Appeal when allowed.*—(1) Any person aggrieved by an order of the Director (by virtue of power delegated to him)—

(i) cancelling or terminating a quarrying licence or mining lease or forfeiting any deposit thereunder in whole or in part, or

(ii) refusing to permit transfer of a quarrying licence or mining lease, may appeal to the Government against such order.

(2) Where the functions of the Government or the Director have been delegated to any other officer by virtue of a notification under rule 43, any person aggrieved by any order of any such officer of the nature described in sub-rule (1) may appeal—

(i) to the Director, of such officer is subordinate to the Director; or

(ii) to the Government or an authority appointed by the Government in this behalf, in other cases.

46. *Form of appeal and fees.*—(1) An appeal under rule 45 shall be in the form of Memorandum of Appeal with numbered paragraphs stating concisely and precisely the grounds of objection.

(2) The Memorandum of Appeal shall not be regarded as valid unless it is accompanied by a deposit or Treasury receipt of Rs. 25/. The deposit shall be refunded to the appellant if he is successful in his appeal whether in whole or in part and shall in all other cases vest in the Government.

47. *Limitation.*—An appeal under rule 45 shall be filed within two months of the date of the order appealed from.

Provided that an appeal may be admitted after the said period, when the appellant satisfies the appellate authority that he had sufficient cause for not filing the appeal within the said period.

48. *Procedure for appeal.*—(1) Upon receipt of Memorandum of Appeal satisfying requirements of rule 46, the appellate authority shall fix a date for hearing. It may, if it thinks fit, call for the relevant records and other information from the officer whose order is the subject of appeal.

(2) The appellate authority may confirm or modify the order under appeal, after giving the appellant an opportunity of hearing and considering any explanation that might to be offered by the officer who gave the order under appeal.

(3) Nothing in this rule shall prevent the appellate authority from summarily rejecting an appeal, if the appeal is not admissible or has no substance or is not in accordance with rule 46. No such order shall be passed without giving the appellant an opportunity of hearing.

49. *Finality.*—An order under rule 48, and subject only to such order, an order under these rules of an officer acting under these rules shall be final.

CHAPTER VII.

Offences, Penalties and Prosecutions

50. *Contravention of certain conditions of lease.*—Any mining lessee or his transferee or assignee, who commits a breach of any of the conditions of his lease mentioned in sub-rule (10) of rule 31, (relating to keeping and submitting certain accounts etc.) sub-rule (13) of rule 31, (relating to allowing entry to some officers etc.) or sub-rule (23) of rule 31 (relating to delivering up the premises

etc. at the end of the lease) shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000/- or with both.

Explanation.—This rule applies also to leases governed by Chapter V

51. *Offences cognisable only on written complaint.*—No court shall take cognisance of any offence punishable under these rules, except upon a complaint in writing made by the Director within six months of the date of which the said offence is alleged to have been committed.

52. *Jurisdiction of Court.*—No court inferior to that of a Magistrate of the first class shall try any offence under these rules.

CHAPTER VIII

Miscellaneous

53. *Direct application for mining lease.*—Any person may, subject to provisions of rules 6 and 19, apply for a mining lease without obtaining a quarry licence.

54. *Application of rules to all renewals.*—Where quarry licence or mining lease granted before the commencement of these rules is renewed after such commencement these rules shall apply in relation to the renewal of a prospecting licence or mining lease granted after such commencement.

55. *Registers to be open to inspection.*—(1) All registers maintained by an officer of the Government under these rules shall be open to inspection by any person who holds or intends to acquire, a quarrying licence or mining lease under these rules provided he has paid the requisite fees.

(2) The fees for an inspection under sub-rule (1) shall be such as may be fixed by the Government, and, until such fixation, shall be the same as those charged for the time being by Revenue Courts for inspection of their records.

56. *Notification of mistakes.*—The Government or an officer acting under these rules, as the case may be, may at any time within six months from the date of an order passed by it under these rules, rectify on its own motion any mistake or error in the order apparent on the face of the record, and, shall, on an application in writing made within the said period, rectify any such mistake or error which has been brought to its or his notice by an applicant for the grant of a mineral concession :

Provided that no such rectification having or purporting to have prejudicial effect on another applicant for the grant of the same mineral concession shall be made unless such other applicant has been allowed a reasonable opportunity of being heard.

57. *Savings.*—(1) Nothing in these rules shall apply to search for minerals at the surface, not involving any substantial disturbance of the soil by digging of pits, trenches or otherwise, or by chipping of out-crop by a geological hammer.

(2) The provisions of rule 25 and sub-rule (3) of rule 31 and the Second Schedule to these rules shall not be applicable to such quarries as are delineated in small regular plots by the Director in minor mineral bearing areas for the purpose of granting fixed annual mining leases. In respect of such quarries, a quarry rent between Rs. 12/- and Rs. 45/- per annum shall be charged on each quarry in addition to the royalty mentioned in the First Schedule to these rules. The actual quarry rent shall be fixed by the Director or other officer authorised by the Government in this behalf within the limit given above.

The Director of Mines and Geology or any officer authorised by him may fix only quarry rent not less than Rs. 2/- and not exceeding Rs. 3/- per month per quarry in respect of those quarries which are outside the areas given under Royalty Collection Contract and which do not measure more than 25 feet x 25 feet and in such cases clause (1) of rule 31 shall not be applicable.

SCHEDULE I

Rate of Royalty

[See rule 31 (1)]

1. Building Stone

(a) Ashlar and sized dimensional stone (i) Re. 1/- to Re. 1/8/- per ton.

or

(ii) As. -/2/- to As. -/10/- per cubic ft.

or

(iii) Average quantity:—

in a cart drawn by 2 bullocks	-/8/-
in a cart drawn by 4 bullocks	1/-/-
in a 1½ ton truck	1/8/-
in a 3 ton truck	3/-/-
in a 5 ton truck	5/-/-
carried by one donkey	-/2/-
carried by one camel	-/6/-
carried by one buffalo	-/4/-

at the option of the lessor.

(b) Masonry stones including Khandas, Boulder, Shingle etc.

(i) Re. -/4/- per ton;

or

(ii) Re. 1/- per 100 Cubic ft.

or

(iii) Average quantity:—

in a cart drawn by 2 bullocks	-/2/-
in a cart drawn by 4 bullocks	-/4/-
1½ ton truck	-/6/-
3 ton truck	-/12/-
5 ton truck	1/4/-

carried by one donkey

or 2 nP. -/-/3

carried by one camel -/1/6

carried by one buffalo -/1/-

at the option of the lessor

2. Lime stone :

(a) For Lime burning Lime stone -/1/- per md.

Lime -/1/6 per md.

Kachra lime -/1/6 per md.

(b) For other purposes including coloured lime stone used for manu- (i) Rs. 12/- per hundred cft.

or

(ii) Rs. 1/8/- per hundred cft.

or

(iii) 10 % of the sale value at pit's mouth at the option of the lessor.

provided such other purpose falls within the definition of 'Minor Minerals'.

3. Marble.

(a) For lime burning Marble -/1/- per md.

Lime -/1/6 per md.

Kachra lime -/1/6 per md.

(b) For other purposes Marble Dressed, Carved and rough -/12/- per md.

Marble slabs -/6/- per md.

Marble tiles machine made . /2/- per md.

Marble tiles—hand made -/2/- per md.

Marble chips, powder, Khanda and bal- last -/2/- per md.

Kumari Marble dressed -/9/- per md.

Kumari Marble rough -/6/- per md.

4. Kankar, Bajri and Jhajra Stones As. -/4/- to Re. 1/- per ton

5. Brick earth chargeable on carrying

6. Ordinary clay capacity or mode of Transport.

NOTE 1:—Rates below those prevalent in the old State units will not be charged.

NOTE 2:—The Minimum rate will be enhanced by As. -/4/- every year till a uniform rate of Re. 1/- is achieved.

7. Fullers Earth.—

(a) For existing and old leases Rs. 27/- per ton.

(b) For New leases Rs. 27/- per ton in case of Fullers Earth deposits which are situated within 20 miles from the nearest Railway Station.

Rs. 15/- per ton in the case of deposits which are situated beyond 20 to 50 miles from the nearest Railway Station, and

Rs. 10/- per ton in case of deposits which are situated more than 50 miles from the nearest Railway Station."

8. Bonto nite . Rs. 10/- per ton.

Explanation.—In this Schedule, where the rate is described as Re. 1/- to Rs. 1/8/- per ton or in the like manner, giving a range, then the actual rate shall, within such limits, be fixed by the authority granting the lease.

SCHEDULE II.

[Rate of Dead Rent]

[(See Rule 31(3)]

		<i>Minimum</i>	<i>Minimum</i>
All Minor Minerals	(a) Per 100 sq. ft. or part thereof and up to 25 acres.	/8/-	Rs. 10/-
	(b) Over 25 acres and upto 640 acres @ every additional acre or part thereof.	Rs. 25/-per acre	Rs. 200/-per acre.
	Over 640 acres (1 sq. mile) to 30 sq. miles @ every additional acre or part thereof.	Rs. 8/- per acre	Rs. 15/-per acre.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Notifications under

INDIAN MINERAL CONCESSION RULES, 1949.

Published in Raj. Raj-patra Vol. 2 Dated 12-8-50 part II at page 248-249:

NOTIFICATION.

Jaipur, August 1, 1955.

No. 4.--It is notified for general information that the Mines and Minerals (Regulation and Development) Act, 1948, and the Mineral Concession Rules, 1949, the petroleum Concession Rules, 1949, made thereunder are in force in Rajasthan since 26th January, 1950, *vide* Law Department's Notification No. F. 10-10 (33)-L/50, dated 15th April, 1950. Mineral Concessions such as Certificate of Approval, Prospecting Licence, and Mining Leases for all minerals excluding minor minerals such as building stone, boulder, shingle, gravel, limestone and kankar used for lime burning murrum, brick-earth, ordinary clay, ordinary sand and road metal, will be granted in accordance with them. The rules do not allow ordinarily more than 10 sq. miles under lease to a single lessee for a given mineral in the province. The leases would now normally run for a period of 20 years with an option of renewal to the lessee for another 20 years. A smaller period of lease would, however, be granted to an applicant if he so desires.

Under these rules much greater attention will be paid to the systematic working and proper development of the mineral resources. The dead rent rate of royalty, surface rent, etc., have all been assigned in the Rules in a suitable manner. The right of a discoverer of a mineral deposit for a Prospecting Licence or a Mining Lease is fully guaranteed under these Rules.

The general procedure for obtaining Mineral Concessions is laid down below for information. Prescribed application forms for Certificate of Approval, Prospecting Licence, and Mining Lease can be obtained on payment of Re. 1/- per form from respective divisional office of the Department of Mines and Geology in the Division in which the applicant intends to secure the Mineral Concession. All applications should be addressed to the Divisional Offices of the Department of Mines and Geology, which are located at Jaipur, Jodhpur, Udaipur, Kotah and Bikaner.

1. *Certificate of Approval.*—A Certificate of Approval is a document which authorizes its holder to obtain a Prospecting Licence or a Mining Lease and it is, therefore, the first step which must invariably be completed before any one can apply for a Prospecting Licence or Mining Lease. Applications for the same on prescribed form must be accompanied by a fee of Rs. 100/-.

2. *Prospecting Licence*.—Prospecting Licence permits its holder to explore, dig and search the minerals in the area granted for one to two years. Period lesser than one year can also be granted. The application for Prospecting Licence should be accompanied by a fee of Rs. 50/- for the first square mile and Rs. 10/- per additional square mile or part thereof.

3. *Mining Lease*.—Persons having Prospecting Licence can apply for the Mining Lease of all or selected area held by them under their Prospecting Licence. A Certificate of Approval-holder can also apply directly for a Mining Lease, without obtaining a Prospecting Licence. Under a Mining Lease, as the name indicates, searching, winning and working of mineral or minerals by systematic methods is permitted. The application must be accompanied with a fee of Rs. 200/-. An amount not exceeding Rs. 500/- may further be called for from the applicant by the Department to meet preliminary expenses etc.

The applications for Prospecting Licence or Mining Lease should also be accompanied with a map prepared as accurately as possible for the area applied for on a suitable scale but not less than one inch to one mile.

The application fee will be refunded in the event of refusal of a mineral concession to the applicant.

For further information reference may please be made to the Mineral Concession Rules, 1949, obtainable from the Manager of Publication, Government of India, Delhi. Enquiries could also be made in person or in writing from the divisional offices of the Department.

M. L. SETHI,

Director of Mines and Geology.
Government of Rajasthan, Jaipur.

Published in Raj, Raj-patra Vol. 3 Dated 5-1-52 part II at page 1080:

Department of Mines and Geology Rajasthan.

NOTICE.

In accordance with the Indian Mineral Concession Rules, 1949, every firm or company holding certificate of Approval should be registered or incorporated in India.

It is, therefore, notified for general information that every firm or a company holding certificate of approval should get their firm or company registered in time, failing which Government may reject their application for renewal of certificate of approval.

M. L. SETHI,

Director of Mines & Geology.
Rajasthan, UDAIPUR.

Published in Raj. Raj-patra Dated March 5, 1955 part 17, (c) at page 914-916:

English Translation.

Authorised by His Highness the Rajpramukh.

NOTIFICATION.

Jaipur, February 8, 1955.

No. F. 15 (I) C.I.M./54—In exercise of the powers conferred by clauses (viii) and (ix) of sub-rule (1) of rule 41 of the Mineral Concession Rules, 1949 of the Central Government the Government of Rajasthan is hereby pleased to authorise the following officers to exercise the powers mentioned in those clauses for the examination of accounts, plant and records maintained by mining lessees and to inspect records of trenches, pits and drillings made by mining lessees in the course of operations carried on by them for the lease, in respect of the area mentioned against each officer:—

<i>Officer authorised</i>	<i>Area.</i>
Director of Mines and Geology and Deputy Director of Mines and Geology, Rajasthan, Chemist-cum-Ceramic Technologist, and Head Driller, Department of Mines and Geology, Rajasthan.	The whole of Rajasthan.
Geologists, all Mining Engineers and all Assistant Mining Engineers of the Department of Mines and Geology, Rajasthan.	Areas within their respective jurisdiction.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

English Translation.

[Authorised by His Highness the Rajpramukh.]
Commerce and Industries Department.

NOTIFICATION.

Jaipur, February 18, 1955.

No. F. 15 (I) C. I. M./54.—In exercise of the powers conferred by rules 7, 14 and 27 the Mineral Concession Rules, 1949, of the Central Government, the Government of Rajasthan is hereby pleased to order that the applications of the nature mentioned below shall be submitted to the State Government through the officers respectively mentioned below against each application, in the cases mentioned below against each officer :—

S. No.	Nature of application.	Reference to rule of Mineral Concession Rules, 1949	Officer through whom to be forwarded	In what cases.
1	2	3	4	5
1.	Application for the grant of renewal of a certificate of approval.	Rule 7	Director of Mines & Geology, or Deputy Director of Mines & Geology, Rajasthan. Mining Engineer concerned.	Applications submitted from outside Rajasthan. Applications submitted in Rajasthan in their respective jurisdictions.
2.	Applications for prospecting licenses.	Rule 14.	Mining Engineer concerned.	Applications submitted for areas within their respective jurisdictions.
3.	Applications for Mining Leases	Rule 27	do	do

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Published in Raj. Raj patra Dated February 7, 1957 part IV (c) at page: 807-808

English Translation
(Authorised by the Governor)

NOTIFICATION.

Jaipur, January 22, 1957.

No. F. 10 (98) I (M)/56.—In exercise of the powers conferred by rule 4 of the Mineral Concession Rules, 1949 of the Central Government, the State Government hereby orders that the Rajasthan Minor Mineral Concession Rules, 1955, in force in the areas of the pre-Reorganisation State of Rajasthan shall, with effect from the first day of February 1957, apply also to the Ajmer area, the Abu area and the Sunel area, subject to the modification that references in any of the said rules to the date of commencement of the rules shall in relation to the said areas be considered as references to the date of publication of this notification.

2. For the purposes of the said rules and notifications, the following officers shall have jurisdiction over the areas respectively mentioned against each :—

Officer	Area
1. Mining Engineer, Bulwara and Asstt, Mining Engineer, Ajmer	Ajmer area.
2. Mining Engineer, Jodhpur	Abu area.
3. Mining Engineer, Kota.	Sunel area.
3. Rules corresponding to the said rules, in force in any of the said area, are hereby superseded,	

By Order of the Government,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Dated March 28, 1957 part I (b) at page 848:

English Translation
(Authorised by the Governor)

NOTIFICATION

Jaipur, January 24, 1957.

No. D. 11120/F. 7 (I) Ind. (B)/57.—It is hereby notified for general information that the Certificates of Approval granted by the Government of the former Ajmer State under rules laid down in Chapter two of the Mineral Concession Rules, 1949 will be considered valid till the date of their expiry and will cover the entire area of the State of Rajasthan. Their renewal would be granted under the Rules in accordance with the procedure already being followed in Rajasthan.

A. K. ROY,
Secretary to the Government,

Published in Rajasthan Raj-patra Dated July 18, 1957 part I (b) at page 157-158

English Translation
(Authorised by the Government)
Industries mines and Labour Department.

NOTIFICATION

Jaipur, April 18, 1957.

No. D. 3358/F. 6 (I) (7) Ind. (B)/57.—In exercise of the powers conferred by rule 4 of the Mineral Concession Rules, 1949 of the Central Government of Rajasthan is pleased to order that the royalty on Kankar, Bajri and Jhajra stone be not enhanced by -/4/- (annas four) per ton during the year 1957-58 as directed in this department Notification No. F.11 (23) CIM/51, dated 29th May, 1956.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Dated February 6, 1958 part IV (c) at page 967

Industries, Mines & Labour Department (B)

NOTIFICATION

Jaipur, December 9, 1957.

No. D. 6578/F. 4 (II) (25) Ind. (B) 57.—In exercise of the powers conferred by clause (VIII) of sub rule (1) of rule 41 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan is hereby pleased to authorise the Accounts Officer of the Department of Mines and Geology to examine at any time, any accounts and record maintained by the lessees.

By Order of the Governor,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated January 30, 1958 part IV (c) at page 950.

Industries, Mines & Labour Department (B)

NOTIFICATIONS

Jaipur, December 19, 1957.

No. D. 9305/F. 10 (98) I (M)/56.—In exercise of the powers conferred by rule 55 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan does hereby empower the officers mentioned in column 2 of the Table appended below to make complaints in writing in respect of any offence punishable under the said rules committed within the area mentioned against them respectively in column 3 of the said Table.

Table

S. No. 1	Designation of officer 2	Area 3
1.	Director of Mines & Geology, Raj., Udaipur,	Whole of Rajasthan.
2.	Mining Engineers & Assistant Mining Engineers	Respective jurisdiction.

Jaipur, December 19, 1957.

No. D. 9305/F. 10 (98) I (M)/56.—In exercise of the powers conferred by clauses (viii) and (ix) of sub-rule (1) of rule 41 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan is hereby pleased to authorise the following officers to exercise the powers maintained in those clauses for the examination of accounts, plans and records maintained by mining lessors and to inspect records of trenches, pits and drillings made by mining lessees in the course of operation carried on by them for the lease in respect of the area mentioned against each officer:—

Officer authorised 1	Area 2
Director of Mines & Geology and Dy. Director of Mines & Geology, Rajasthan, Chemist-cum Ceramic Technologist and Head Driller, Department of Mines & Geology, Rajasthan.	Whole of Rajasthan.
Geologists, All Mining Engineers & All Asstt. Mining Engineers of the Department of Mines & Geology, Rajasthan.	Areas within their respective jurisdiction.

Published in Rajasthan Raj-patra Dated February 6, 1958 part IV (c) at page 967.

Industries, Mines and Labour Department (B)

NOTIFICATION

Jaipur, December 9, 1957.

No. D. 6578/F. 4 (II) (25) Ind. (B)/57.—In exercise of the powers conferred by clause (VIII) of sub-rule 41 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan is hereby pleased to authorise the Accounts Officer of the Department of Mines and Geology to examine at any time, any accounts and record maintained by the lessees.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Notifications under

MINERAL CONCESSION RULES, 1949.

Published in Raj. Raj-patra Dated 30, January 1958 part IV (c) at page 1951.

Jaipur, December 19, 1957.

No. D. 9305/F. 10 (98) I (M)/56.—In pursuance of clause (xi) of sub-rule (1) of rule 41 of the Mineral Concession Rules, 1949 of the Central Government, the Government of Rajasthan does hereby authorise the Director of Mines & Geology, Rajasthan, Udaipur Deputy Director of Mines & Geology, Geologists, Mining Engineers and Assistant Mining Engineers, Chemist-cum-Ceramic Technologist and Head Driller, to enter upon any building, excavation or land comprised in the lease for the purpose of inspection within their respective jurisdiction.

Jaipur, December 19, 1957.

No. D. 9305/F. 10 (98) I (M)/56.—In exercise of the powers conferred by rules 7, 14 and 27 of the Mineral Concession Rules, 1949, the Government of Rajasthan is hereby pleased to direct that the applications under the aforesaid rules shall be submitted to the State Government through the Director or Deputy Director of Mines & Geology, Rajasthan, Udaipur, if the application is sent from outside Rajasthan and through the Mining Engineer concerned if submitted in Rajasthan.

Notifications under

RAJASTHAN MINOR MINERAL CONCESSION RULES, 1955.

Published in Raj. Raj-patra Dated April 7, 1956 part I (a) at page 9-11

English Translation
(Authorised by His Highness the Rajpramukh)

NOTIFICATIONS
Jaipur, March 8, 1956.

No. P. 6 (6) CIM/55.—In exercise of powers conferred by Rule 43 (1) of Rajasthan Minor Mineral Concession Rules, 1955, published in Rajasthan Rajpatra of the 11th June, 1955, the Government of Rajasthan is pleased to delegate its powers regarding rules 9, 10, 15, (1), 16 (1) (ii), 16 (1) (iii), 16 (2) (viii), 23, 25, 26, 29, 30, 31 (21), 31 (22), 33 (3) and 37 (vi) to the following officers of the Department of Mines and Geology, Rajasthan upto the limit specified against each :—

Designation of the Officer	Rule	Limit
1	2	3
Director of Mines and Geology, Rajasthan.	9 and 10 Power to grant or refuse a quarrying licence.	Full powers
Director of Mines and Geology, Rajasthan.	15 (1) Powers to renew quarrying licence.	" "
-do-	16 (1) (ii) Powers to fix rate of quarrying licence fee.	" "
-do-	16 (1) (iii) Powers to cancel quarrying licence or forfeit security deposit.	" "
Director and Dy. Director of Mines and Geology. Rajasthan. (A)	16 (2) (viii) Powers to forfeit property left after determination of licence.	" "
Director of Mines and Geology, Rajasthan.	23 Powers to assign priority to application for mining lease,	Full powers for such leases where the annual dead rent royalty does not exceed Rs. 10,000/-
Mining Engineer of Mines and Geology Department.	23 Powers to assign priority to applications for mining lease.	Full powers for such leases where the annual dead rent royalty does not exceed Rs. 1000/-,
Asstt. Mining Engineer of the Mining Deptt.	-do-	Full powers for such leases where the annual dead rent royalty does not exceed Rs 250/-
Director of Mines and Geology, Rajasthan.	25 Powers to grant or refuse mining lease.	Full powers for such leases where the annual dead rent does not exceed Rs.10000/-
Mining Engineer of Mines and Geology Department.	-do-	Full powers for such leases where the annual dead rent does not exceed Rs. 1000/-,
Asstt. Mining Engineers of Mines Deptt.	25 Powers to grant or refuse mining lease.	Full powers for such lease where the dead rent does not exceed Rs. 250/-

2 1 Notifications under Rajasthan Minor Mineral Concession Rules, 1955

Director of Mines and Geology, Rajasthan.	26 Powers to relax provisions of the rules.	Full powers relating to leases where annual dead rent royalty does not exceed Rs. 10000/-
Director of Mines and Geology, Rajasthan	29 Powers to grant transfer of mining lease.	Full powers for leases granted by him.
Mining Engineers of Mines Deptt.	-do-	-do,
Asstt. Mining Engineers of Mines Deptt.	-do-	in their respective jurisdictions
Director of Mines and Geology, Rajasthan.	30 Powers to renew mining lease.	Full powers for lease granted by him.
Mining Engineers of Mines Deptt.	-do-	-do-
Asstt. Mining Engineers of Mines Deptt.	-do.	in their respective jurisdiction.
Director of Mines and Geology, Rajasthan	31 (21) Powers to determine mine leases in case any royalty or rent remained unpaid for three calendar months after the date on which it is due.	Full powers for lease granted by him.
Mining Engineers of Mines Deptt.	-do-	Full powers for leases granted by him in their respective jurisdiction.
Asstt. Mining Engineers of Mines Deptt.	-do-	-do-
Director of Mines and Geology, Rajasthan	31 (22) Powers to determine lease for breach of terms and to impose penalty.	Full powers for leases granted by him.
Mining Engineers of Mines Deptt.	-do-	-do-
Asstt. Mining Engineers of Mines Deptt.	-do-	in their respective jurisdiction.
Director of Mines and Geology, and Dy. Director (A)	33 (3) Powers to notify whether a lease shall be auctioned or for which tenders shall be invited.	Full powers for leases granted by him.
Director of Mines and Geology, Mining Engineers and Asstt. Mining Engineers.	37 (vi) Confirmation of auction or tender.	Full powers for Director all bids or tenders upto Rs. 10000/- all Rajasthan. and upto Rs. 1000/- for Mining Engineer upto Rs. 250/- A. M. Es. in their respective jurisdictions

ENGLISH TRANSLATION

(Authorised by His Highness the Rajpramukh).

Jaipur, March 8, 1956.

No. F. 6 (6) CIM/55.—In exercise of powers conferred by Rule 43 (2) of Rajasthan Minor Mineral Concession Rules, 1955, published in the Rajasthan Rajpatra of the 11th June, 1955, the Government of Rajasthan is pleased to direct that the powers of

Notifications under Rajasthan Minor Mineral Concession Rules, 1955. [3

the Director of Mines & Geology under Rules 7, 18, 20, 36, 37 (iii) and 41 (note) be exercised by the following officers in their respective jurisdiction :—

Designation of officers who would exercise powers delegated to Director.	Rule.
Mining Engineer and Assistant Mining Engineer.	7. Submission of application for quarrying licence.
„	18. Submission of report on work done.
„	20. Submission of applications for Mining Lease.
„	36. Presiding officer for auction.
„	37. (iii) Fixing earnest money.
„	41. (Note) Reading out terms and conditions.

By Order,
G. K. BHANOT.

Deputy Secretary to the Government.

Published in Raj. Raj-patra Dated October 4, 1956 part I (a) at page 183.

ENGLISH TRANSLATION

(Authorised by His Highness the Rajpramukh).

NOTIFICATION

Jaipur, June 5, 1956.

No 6 (6) C.I.M. 55:—In exercise of the powers conferred by rule 43(1) of the Rajasthan Minor Mineral Concession Rules, 1955, the Government of Rajasthan is pleased to delegate to the Officers of the Department of mines & Geology, Rajasthan shown in column 2 of the Schedule appended hereto its powers exercisable within their respective jurisdiction under the rules 34 (4) & 40 (v) of the said rules to the extent specified against each in columns 3 and 4 thereof.

SCHEDULE

S.No	Designation of Officers	Rule 34 (4)	Rule 40 (v)
1	2	3	4
1.	Director of Mines and Geology.	Full powers where the annual amount of royalty exceeds Rs. 1,000/- but does not exceed Rs. 10,000/-.	Full powers where the amount of tender exceeds Rs 1000/- but does not exceed Rs. 10,000/-.

- | | | |
|-------------------------------|---|---|
| 2. Mining Engineer. | Full powers where the annual amount of royalty exceeds Rs. 250/- but does not exceed Rs. 1,000/-. | Full powers where the amount of tender exceeds Rs. 250/- but does not exceed Rs. 1,000/-. |
| 3. Assistant Mining Engineer. | Full powers where the annual amount of royalty is Rs. 250/- and below. | Full powers where the amount of tender is Rs. 250/- and below. |

By Order of
His Highness the Rajpramukh,
G. K. BHANOT,
Dy. Secretary to the Government

Published in Raj. Raj-patra Dated March 28, 1957 part IV (c) at page 899

ENGLISH TRANSLATION (Authorised by the Governor)

NOTIFICATION

Jaipur, December 18, 1956.

No. D. 10419/F.6 (i) (71) I (M)/56.—In exercise of the powers conferred by Sub-Rule (2) of Rule 43 of the Rajasthan Minor Mineral Concession Rules, 1955, the Government of Rajasthan does hereby direct that the Mining Engineers and the Assistant Mining Engineers shall exercise within their respective administrative jurisdictions, the powers of the Director under Rule 51 of the said Rules.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated June 20, 1957 part II (a) at page 487

Office of the director of mines & geology, udaipur

NOTIFICATIONS

Udaipur, May 20, 1957.

No. J. P. L. C.50 11/(11)19/57.—It is hereby notified for general information that Rajasthan Government, Industries, Mines and Labour Department (B) vide his letter No. 805/6 (i) (17) I (M) 56/1647, dated 20-3-1957 has directed that no royalty should be charged by the royalty collection contractor on the Jhajhara stone used for house construction by the cultivators and that if the same is used for lime burning the royalty collection contractor is entitled to charge royalty.

M. D. VAJPAI,
Deputy Director (Administration),
Mines and Geology, Udaipur.

Published in Rajasthan Raj-patra Dated July 3, 1958 part VI (c) at page 562

Industries Mines and Labour Department (B)

(Mines Section)

NOTIFICATION

Jaipur, December 27, 1957.

No. D-9305/F. 10 (98) I (M)/56.—In exercise of the powers conferred by sub-rule (1) of rule 43 of the Rajasthan Minor Mineral Concession Rules, 1955 as extended to the reorganised State of Rajasthan by Notification No. F. 10 (98) I (M)/56, dated the 22nd January, 1957 and in supersession of Notification No. F. 6 (6) CIM/55, dated the 8th March, 1956, and of Notification No. F. 6 (6) 41 (M)/55, dated 5th June, 1956 the Government of Rajasthan is pleased to delegate its powers to the officers mentioned in column No. 1 of the table given below under the rules and subject to the limits specified against each in column No. 2 and 3 thereof respectively.

TABLE

Designation of the Officer	Rule	Limit
1	2	3
Director of Mines and Geology, Rajasthan.	9 and 10 Power to grant or refuse a quarrying license.	Full powers.
-do-	15 (1) Powers to renew quarrying licenses.	-do-
-do-	16 (1) (ii) Powers to fix rate of quarrying licenses fee.	-do-
-do-	16 (1) (iii) Powers to cancel quarrying license or forfeit security deposit.	-do-
Director and Deputy Director of Mines & Geology, Rajasthan.	16 (2) (viii) Powers to forfeit property left after determination of license.	-do-
Director of Mines & Geology.	23 Powers to assign priority to applications for Mining Lease.	Full powers for such leases where the annual deadrent and royalty does not exceed Rs. 10,000/-.
Mining Engineers of Mines and Geology Department.	-do-	Full powers for such leases where the annual deadrent and royalty does not exceed Rs. 1,000/-

6] Notifications under Rajasthan Minor Mineral Concession Rules, 1955.

Asstt. Mining Engineers of the Mining Department.	23 Powers to assign priority to applications for Mining Lease.	Full powers for such leases where the annual dead-rent and royalty does not exceed Rs. 250/-
Director of Mines & Geology, Rajasthan.	25 Powers to grant or refuse Mining Lease.	Full powers for such leases where the annual dead-rent and royalty does not exceed Rs. 10,000/- all over Rajasthan.
Mining Engineers of Mines and Geology Department.	25 Powers to grant or refuse Mining Lease.	Full powers for such leases where the annual dead-rent does not exceed Rs. 1,000/-
Asstt. Mining Engineers of Mines Department.	-do-	Full powers for such lease where the dead rent does not exceed Rs. 250/-.
Director of Mines and Geology Department.	26 Powers to relax provision of the rules.	Full powers relating to leases where annual dead-rent and royalty does not exceed Rs. 10,000/-.
-do-	29 Powers to grant transfer of Mining Lease.	Full powers for leases granted by him.
Mining Engineers of Mines Department.	-do-	Full powers for leases granted by them in their respective jurisdictions.
Asstt. Mining Engineers of Mines Department.	-do-	
Director of Mines and Geology, Rajasthan.	30 Powers to renew Mining Lease.	Full powers for lease granted by him.
Mining Engineers of Mines Department.	-do-	Full powers for leases granted by them in their respective jurisdictions.
Asstt. Mining Engineers of Mines Department.	-do-	-do-

Director of Mines & Geology, Rajasthan.	31 (21) Powers to determine leases in case any royalty or rent remained unpaid for three calendar months after the date on which it is due.	Full powers for leases granted by him.
Mining Engineers to Mines Department.	31 (21) Powers to determine leases in case any royalty or rent remained unpaid for three calendar months after the date on which it is due.	Full powers for leases granted by him in their respective jurisdiction.
Asstt. Mining Engineers of Mines Department.	-do-	
Director of Mines & Geology, Rajasthan.	31 (22) Powers to determine lease for breach of terms and to impose penalty.	Full powers for leases granted by him.
Mining Engineers of Mines Department.	-do-	Full powers for leases granted by him in their respective jurisdiction.
Asstt. Mining Engineers of Mines Department.	-do-	-do-
Director of Mines and Geology and Dy. Director (A.,	33 (3) Powers to notify whether a lease shall be auctioned or for which tenders shall be invited.	Full powers for leases granted by them respectively
Director of Mines & Geology, Mining Engineers & Asstt. Mining Engineers.	37 (vi) Confirmation of auction or tender.	Full powers for Director for all bids or tenders up to Rs. 10,000/- all over Rajasthan and up to Rs. 1,000/- for M.Es. and up to Rs. 250/- for A.M. Es. in their respective jurisdiction.
Director of Mines & Geology.	Rule 34 (4).	Full powers where the annual amount of royalty exceeds Rs. 1,000/- but does not exceed Rs. 10,000/-.

8.] Notifications under Rajasthan Minor Mineral Concession Rules, 1955.

Mining Engineer.	-do-	Full powers where the annual amount of royalty exceeds Rs. 250/- but does not exceed Rs. 1,000/-.
Asstt. Mining Engineer.	-do-	Full powers where the annual amount of royalty is Rs. 250/- & below.
Director of Mines & Geology.	Rule 40 (v).	Full powers where the amount of tender exceeds Rs. 1,000/- but does not exceed Rs 10,000/-.
Mining Engineer.	-do-	Full powers where the amount of tender exceed Rs. 250/- but does not exceed Rs. 1,000/-.
Asstt. Mining Engineer.	-do-	Full powers where the amount of tender is Rs 250/- and below.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Dated January 30, 1958 part IV (c) at page:

Industries, mines and labour department (B)

NOTIFICATION

Jaipur, January 30, 1958.

No. F. 6 (iv) (51) Ind (B)/57.—Whereas it is in the best interest of the industry and the deposit that the royalty collection contracts of the stone quarries of Nimbahera Tehsil and khodip should be given otherwise than by auction or tender as required by sub-rule (2) of rule 34 of the Rajasthan Minor Mineral Concession Rules, 1955;

Therefore, in pursuance of rule 42 of the said rules, the Government have decided not to grant the said royalty collection contract by auction or by tender and have extended the period of the said contracts for the years from 1-4-1957 to 31-3-1959 with an option of renewal for further one year in favour of Shri Mangal Ram of Beawar upon the condition that he shall not charge royalty in excess of Re. 1/- per cart of 8-1/3 c. ft and upon other conditions contained in the said rules.

By Order of the Governor.
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Dated August 14, 1958 part IV (c) at page 771:

Industries mines & labour department (B)

NOTIFICATION

Jaipur. April 1, 1958.

No. F. 6 (iv) (64) Ind. (B)/57.—In exercise of the power conferred by sub-rule (2) of rule 43 of the Rajasthan Minor Mineral Concession Rules, 1955, the

Notifications under Rajasthan Minor Mineral Concession Rules, 1955. [9

State Government hereby directs that the powers of the Director to hear appeals under clause (i) of sub-rule (2) of rule 45 of the said rules may be exercised by the Deputy Director (Administration) Mines and Geology, Udaipur.

By Order of the Governor,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated January 9, 1958 part IV (c) at page 889:

English translation

[Authorised by the Government]

Industries, mines & labour department (B)

NOTIFICATION

Jaipur, December 4, 1957.

No F. 6 (i) (71) I (M)/56.—In pursuance of sub-rule (1) of rule 43 of the Rajasthan Minor Mineral Concession Rules, 1955, the Government of Rajasthan are pleased to direct that the power of the Government of sanction abandonment under clause (23) of rule 31 of the said rules, shall be exercised throughout the State of Rajasthan by the Director of Mines & Geology, Rajasthan Udaipur.

By Order,

A. K. ROY,

Secretary to the Government.

Published in Rajasthan Raj-patra Dated January 30, 1958 part IV (c) at page 951

Jaipur, December 27, 1957.

No D. 9305/F 10 (98) I (M) 56 — In exercise of the power conferred by sub-rule (2) of rule 43 of the Rajasthan Minor Mineral Concession Rules, 1955 as extended to the reorganised State of Rajasthan vide Notification No. F. 10 (98) I (M)/56 dated the 22.12.1957 and in supersession of this department Notification No. F. 6 (i) CIM/55-A dated the 8th March, 1956 and Notification No. D-10419/F. 6 (1) (71) I (M)/56 dated the 18th December, 1956, the Government of Rajasthan does hereby direct that the powers of the Director of Mines and Geology under rules 7, 18, 20, 36, 37 (iii), 41 and 51 of the said rules shall be exercised by the Mining Engineers and Assistant Mining Engineers within their respective jurisdiction.

By Order of the Governor,

A. K. ROY,

Secretary to the Government

The Rajasthan Minor Mineral Concession Rules, 1959

Industries, Mines & Labour Department (B)

NOTIFICATION

Jaipur, December 22, 1959.

No. F. 3 (4) (1) Ind. (B)/58.—In exercise of the powers conferred by section 15 of the Mines & Minerals (Regulation and Department) Act, 1957 (No. 67 of 1957), the Government of Rajasthan is pleased to make the following rules for regulating the grant of mineral concessions in respect of Minor Minerals and for the purpose connected therewith, namely :—

CHAPTER I

Preliminary.

1. *Short title, extent and commencement.*—(1) These rules shall be called the Rajasthan Minor Mineral Concession Rules, 1959

(2) These rules shall extend to the whole of Rajasthan including the areas in which Bapi and Proprietary rights are claimed;

(3) These rules shall come into force on the date of their publication in the Rajasthan Gazette.

Notes.

These rules have been framed in exercise of the powers conferred under section 15 of the Mines and Minerals (Regulations and Development) Act, 1957

The State Government originally framed rules on the subject vide commerce & Industries Department Notification No. F. 11 (23) C.I.M./51-11 dated 12-4-1955 (published in Rajasthan Raj-patra, part iv (c), dated June 11, 1955

The Rules, 1955 now stand superseded vide Rule 2 of the present rules.

2. *Supersession*.—The Rajasthan Minor Mineral Concession Rules, 1955 and all rules corresponding to these rules in force in any part of Rajasthan shall stand superseded.

3. *Definitions*.—In these rules, unless the context otherwise requires :—

(i) "Department" means the Department of mines and Geology, Government of Rajasthan.

(ii) "Director" means the Director of Mines and Geology, Rajasthan;

(iii) "Government" means the Government of Rajasthan;

(iv) "Act" means the Mines and Minerals (Regulation and Development) Act, 1957;

(v) "Minor Mineral" means building stone as defined in these rules, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, boulder, shingle, chalcedony pabbles used for ball mill purpose only, limeshell, kankar and limestone used for lime burning, morrum brick earth fuller's earth, bentonite, road metal, rah matti and such other mineral which the Central Government may by notification in official Gazette declare to be a minor mineral under section 3 (e) of the Act;

(vi) "Building stone" includes sand-stone, quartzite schists, lime-stone, bhajra stone, bajri, marble dolomite, slate and shale when used as building material;

(vii) "Mining Lease" means a lease to mine, quarry, bore dig and search for, win, work and carry away any mineral specified therein;

(viii) "Rent-cum-royalty Lease" means a lease granted by the Government or the competent authority for certain specified area notified by the Director wherein the leasee undertakes to pay a fixed annual rent and royalty at the rates prescribed in the first schedule to these rules;

(ix) "Royalty Collection Contract" means a contract given on behalf of Government to collect Royalty from Lessees or holders of short term permit or such persons who excavate minor minerals from lands belonging to Government under these rules, whereunder the Contractor undertakes to pay an amount annually to the Government;

(x) "Short term permit" means a permit granted by competent authority to extract a certain quantity of minor mineral for the period specified in the permit;

(xi) "Competent authority" means an authority appointed by the Government to carry out provisions of these rules.

(xii) "Deadrent" means the minimum guaranteed amount of Royalty per year payable as per rules or agreement under a mining lease.

Notes.

Clause (xii) of rule 3 has been newly added vide Industries (B) Department Notification No. F. 3 (4) (8) Ind. [B]/61 dated May 19, 1961 published in Rajasthan Raj-patra, part iv [c] supplement to Rajasthan Gazette No. 14 dated July 6, 1961.

4. *Exemption.*—Notwithstanding anything contained in these rules :—

(a) Excavation of masonry stones and ordinary clay including brick making clay from areas which are not the working pits of a lessee, shall be free of any rent, royalty or permit fee, and

Notes.

Present clause (a) has been substituted for the previous one vide Notification No. F. 3 (4) (45) Ind. [B] 59 dated April 22, 1960. Previously clause (a) stood as under :—

(a) Excavation of masonry stones and ordinary clay including brick making clay from areas which are not occupied by a lessee shall be free of any rent, royalty or permit fee.

(b) excavation of limestone or kankar from the areas which are not occupied by a Lessee may be made under a permit valid for 2 months issued on payment of Rs. 5/- as rent-cum-royalty by the Mining Engineer or the Assistant Mining Engineer or the Tehsildar of the area;

Provided that the aforesaid excavations are made by a cultivator for bonafide purposes of construction or repair of :—

- (1) Irrigation tanks, nalas and nadi;
- (2) wells;
- (3) compound walls for fields, or
- (4) residential house including compound walls in rural areas;

Provided further that in case of a doubt whether the person is a cultivator or not, or his purpose is bona fide or not, the officer concerned may ask the cultivator to produce a certificate of his being a cultivator and his purpose being bona fide from the Panchayat of the village where he resides or if there is no panchayat, from a revenue officer not below the rank of a Naib Tehsildar and such certi-

ificate shall be issued after verification by a Panch or where there is no village panch, by the Patwari;

And provided further that nothing in this rule shall abridge the rights of cultivators under section 36 of the Rajasthan Tenancy Act, 1955.

Explanation.—"Cultivator" in this rule includes a landless cultivator also.

CHAPTER II.

Grant of Mining Leases.

5. *Restrictions on grant of mining lease.*—(a) No mining lease shall be granted in respect of any such minor minerals as the Government may notify in this behalf. Such notification may be for the whole of Rajasthan or any part thereof.

(b) No mining lease shall be granted to a person if he is an individual other than a citizen of India unless the prior approval of the Government has been obtained.

6. *Application to be made to Director.*—Every application for the grant of a mining lease shall be made to the Director.

7. *Application fee.*—Every application for mining lease shall be accompanied by a fee of Rs. 10/- which shall not be refunded.

8. *Application for mining lease.*—An application for Mining Lease shall contain the following particulars:—

(a) Name, residence and profession of the applicant and his father's name, in the case of a limited company its place of business and place of registration and name and address of each partner of the firm;

(b) Name of the mineral or minerals for which the applicant intends to obtain the lease;

(c) A description, illustrated by a map or plan, showing accurately the situation, boundaries and area of the land in respect of which the lease is desired;

(d) The areas and minerals within the Rajasthan State for which the applicant already holds a mining lease;

(e) The period for which the lease is desired;

(f) Certified copy of statement from the Department showing dues outstanding, if any, against the applicant.

9. *Priority.*—(1) Where two or more persons have applied for a Mining Lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the lease over an applicant whose application was received later;

Provided that where such applications are received on the same day, the Government after taking into consideration the matters specified below, may grant mining lease to such one of the applicants as it may deem fit:

- (1) Past experience in mining.
- (2) Number of mining leases held.
- (3) Financial soundness and stability.
- (4) Claim of having worked the area at any time and the work having been found systematic.
- (5) Technical qualification.

(2) Notwithstanding anything contained in sub-rule (1), the Government may, for any special reasons to be recorded, grant a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier;

10. *Register of Mining Lease*—A register of mining lease shall be maintained in all the offices of the department for respective jurisdiction specifying the particulars given below:—

- (a) Serial Number.
- (b) Name of the applicant.
- (c) Residence of the applicant.
- (d) Date of the application.
- (e) Situation and Boundaries of the land.
- (f) Total area.
- (g) The Mineral or minerals under mining lease.
- (h) Date of grant or refusal of mining lease.
- (i) Period of the lease granted or renewed,
- (j) Dead rent and royalty payable;
- (k) Amount of security deposited.
- (l) Date of transfer of the lease, if any, and fees paid therefor, and the name of the party thereto;
- (m) Date of termination of lease.
- (n) Date from which the area is free.
- (o) Remarks.

11. *Area of mining lease*.—(i) A mining lease may be granted for such area as the Government may deem fit;

(ii) No person shall acquire in respect of any mineral or prescribed group of associated minerals one or more mining leases covering a total area of more than 30 sq. miles provided that if the State Government is of opinion that in the interests of mineral development it is necessary so to do, it may, for reasons to be recorded permit mining leases covering an area in excess of the aforesaid maximum.

Provided that at the time of renewal of a lease, the Lessee may surrender any part of the leased area subject to the provisions of rule 12.

(iii) The Government may refuse to grant a lease for less than 10 sq. miles for any minor mineral in any area notified by the Government in this behalf.

(iv) For the purpose of this rule, a person acquiring by, or in the name of, another person, a mining lease which is intended for himself shall be deemed to be acquiring it himself.

12. *Length and breadth of area leased.*—The area held under a mining lease shall be rectangular as far as possible.

13. *Boundaries below the surface.*—Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

14. *Security Deposit.*—The lessee shall be required to deposit as security in cash or National Saving Certificate or National Plan Certificate or any other form or securities which may be notified by the Government, a sum equal to $\frac{1}{4}$ th of annual dead rent for the due performance of the terms of the lease agreements. The Certificates shall be formally transferred to Department authority which takes the deposit with the sanction of the Head Post Master and will be accepted at their surrender value at the time of tender.

15. *Transfer of Mining Lease.*—The lessee may, with the previous sanction of the Government and subject to the condition specified in rule 11 (ii) transfer whole area of his lease to a person on payment to the Government of a fee as specified below provided there are no dues outstanding against the lessee or transferee in respect of the lease to be transferred :—

- | | |
|--|----------|
| (a) For leases where dead rent does not exceed Rs. 100/- annually. | 11/- |
| (b) For leases where dead rent exceed Rs. 100/- annually. | Rs. 50/- |

16. *Period of lease.*—(a) The period for which a mining lease may be granted shall be five years at the first instance unless the Government allows a longer period not exceeding ten years.

(b) Upon an application made in this behalf, before six months of the expiry of the lease and upon payment of a fee of Rs. 10/- a mining lease may be renewed by the Government for a period equivalent to the period of the original lease. The lease may further be renewed by the Government for another period of original lease provided the Government is satisfied that the mines have been improved by the lessee and the substantial investments in machinery, equipment have been incurred by him. Where the lease is so renewed the deadrent shall not exceed twice the original deadrent in the case of subsequent renewal. Royalty shall be chargeable at the rates in force at the time of renewal.

Provided that notwithstanding any thing contained in sub-rule (b) the Government may in its discretion grant renewal or extension for a lesser period for administrative reasons.

Notes.

Clause (b) of rule 16 has been substituted for the previous one vide Notification No. F. 3 (4) (11) Ind.(B) 5/60 dated July 18, 1962, published in Supplement to Rajasthan Gazette No. 19 dated August 9, 1962.

Previously clause [b] stood as under :—

Upon an application made in this behalf, before, six months or the expiry of the lease and upon payment of a fee of Rs. 10/- a mining lease may be renewed by the Government for a period equivalent to the period of the original lease. The lease may further be renewed by the Government for another period of original lease provided the Government, is satisfied that the mines have been improved by the lease and that substantial investments in machinery, equipment [and Labour housing amenities] have been incurred by him. Where the lease is so renewed the dead rent shall not exceed twice the original dead rent in the case of first renewal, and thrice the original dead rent in the case of subsequent renewal. Royalty shall be chargeable at the rates in force at the time of renewal.

17. *Conditions.*—The following conditions shall be included in every mining lease and if they are not so included shall be deemed have been included therein :—

(1) (a) The holder of a Mining Lease granted before the commencement of these rules shall, notwithstanding anything contained in the instrument of lease or in any law or rules in force at such commencement, pay royalty in respect of any mineral removed by him from the leased area after such commencement at the rates for the time being specified in the First Schedule to these rules in respect of the mineral.

(b) The holder of a mining lease granted on or after the commencement of these Rules shall pay royalty in respect of any mineral removed by him from the leased area at the rate for the time being specified in the First Schedule in respect of that mineral.

(c) The State Government may, by notification in the official Gazette, amend the First Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification : provided that the State Government shall not;

(i) fix the rate of royalty in respect of any mineral so as to exceed 25 of the existing royalty;

Or

(ii) enhance the rate of royalty in respect of any mineral more than once during any period of four years.

(2) (b) The lessee shall pay for the surface area used by him for the purpose of mining, surface rent equal to land revenue.

(b) The Government shall be entitled to charge a certain amount per year or part thereof for dump removal from mines and quarries from lessees and this will form part of agreement. The amount may be fixed by Government from time to time and may vary from place to place.

(3) The lessee shall also pay for every year such yearly dead rent within the limits specified in Second Schedule to these rules as may be fixed by the Government or any officer authorised by the Government in this behalf in quarterly instalments in advance:

Provided that if the lease permits the working of more than one mineral in the same area, separate dead rent may be charged for each mineral:

Provided also that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever be higher in amount but not both;

(4) The lessee shall pay all dues in the office of such officers in such manner and at such place as may be mentioned in the lease;

(5) The lessee shall not cut or injure any tree in area of his lease without the previous sanction in writing of any officer authorised in this behalf under any law in force;

(6) The lessee shall at his own expense erect and at all times maintain and keep in repair, boundary pillars and marks according to the plan annexed to the lease;

(7) The lessee shall not erect, set up or place any building or thing and shall also not carry on surface operations in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place which the Government may determine as public ground or in such a manner as to injure or prejudicially affect any building, works, property of rights or other persons;

(8) The lessee shall commence mining operations within one month from the date of execution of the lease and thereafter carry on such operations effectually in a manner which will ensure safety of labourers, conservation of minor mineral, prevention of waste by removal of sufficient over burden, careful storage of waste, and drainage and as regards removal of all valuable minerals within the mine;

(9) The lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mines and the number of persons employed therein, and also complete the plans of the mine and shall allow any officer of the Department at any time, to examine such accounts and plans and shall furnish him with such information and return in respect of aforesaid matter as he may require;

(10) The lessee shall abide by all existing Acts and Rules enforced by the Government of India or the Government and all such other Acts or Rules as may be enforced from time to time in respect of working of the mines and other matters affecting safety health and convenience of the lessee's employees or of the public;

(11) The lessee shall allow existing and future licensees or lease holders of any land which is comprised in or adjoins or is reached by the land held by the lessee, reasonable facilities for access thereto;

(12) The lessee shall allow any officer of the Department or of Indian Bureau of Mines to enter upon the premises comprised in the lease for the purpose of inspecting the same and abide by instructions issued by him from time to time regarding the conservation and development of minor minerals and other related matters;

(13) Subject to the provisions of clause 7 above the lessee may erect on the area granted to him, any building required for bona fide purposes and such buildings shall be the property of the Government after expiry of the lease;

(14) The lessee shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law or rule or order in force on the subject for all damage, injury or disturbance which may be done by him and shall indemnify and keep indemnified fully and completely the Government against all claims which may be made by any person or persons in respect of such damage, injury or disturbance and all costs and expenses in connection therewith;

(15) The lessee shall without delay report to the Director or any authorised by him any accident which may occur at or in the said premises and also the discovery on or with any of the lands or mines demised by the lease of any mineral not specified in the lease;

(16) If the lessee intends to work such newly discovered mineral or minerals he shall within three months of making such report as is mentioned in clause (15) intimate his intention to the officer of the Department having jurisdiction over the area and apply for mining lease in respect thereof in accordance with the rules regulating the grant of mining concessions for that mineral. But Such mining lease shall not be granted as a matter of right;

(17) If the lessee intimates his intention not to work the newly discovered minerals or fails to so intimate within a period of three months, then it shall be open to the Government to grant a lease for the working of the same to any other person;

(18) The lessee may determine the lease at any time by giving not less than six months notice in writing to the Government;

(19) The lease shall be liable to be cancelled by the Director if the lessee ceases to work the mine for a continued period of six months without obtaining written sanction of the Government;

(20) The Government shall from time to time and all times during the term of lease have the right (to be exercised by notice in writing to the lessee) of pre-emption of the said minerals (and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the lessee and the lessee shall deliver all minerals or products to the Government at current market rates in such quantities and in the manner and at the place specified in the notice exercising the said right;

(21) The Government shall have the right to determine the lease after serving a notice on the lessee to pay the dues within 30 days from the date of receipt of notice if the dead rent or royalty or surface rent reserved or made payable by the lessee is not paid within 15 days next after the date fixed in the lease for payment of the same. Government may also at any time after serving aforesaid notice enter upon the said premises and distrain all or any of the minerals or movable property therein and may carry away, detain or order the sale of the property so distrained, or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof;

(22) In case of any breach on the part of the lessee of any covenant or condition contained in the lease (other than a condition regarding rent or royalty), the Government may determine the lease and take possession of the said premises, or in the alternative, may impose payment of a penalty not exceeding twice the amount of the annual dead rent from the lessee. Such action shall not be taken unless the lessee has failed to remedy the breach after 30 days notice;

(23) As soon as the lease is determined the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workable state (save in respect of any working as to which the Government might have sanctioned abandonment) to any person authorised by the Director by a general or a special order in this behalf;

(24) The Government may be six months' prior notice in writing determine the lease if the Government consider that the minor mineral under the lease is required for establishing an industry beneficial to the public:

Provided that no such notice will be given in war or national emergency.

18. *Lease to be executed within one month.*--Where a lease has been granted under rule 11 the formal lease in form given in Schedule IV shall be executed within one month from the date of receipt of the sanction by the applicant and if no such formal lease is executed within the aforesaid period, the order granting the lease shall be deemed to have been revoked:

Provided that where the State Government or any officer authorised by the State Government to grant lease in its behalf is satisfied that the applicant for the lease is not responsible for the delay in the execution of the formal lease, the State Government or that officer as the case may be, may permit the execution of formal lease within a reasonable time after the expiry of the aforesaid period of one month.

18. (a) When a mining lease is granted by the State Government, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under the lease.

- Note.*—1. The above rule shall apply to only those leases where area is one sq. mile or above and in such cases actual expenses of the staff will be taken;
2. Actual expenses will include T.A., D.A. & salary of staff plus 10% as instruments charges.

19. *Currency of lease.*—The currency of the lease shall be from the date of execution of the lease agreement unless otherwise stated. The lessee shall have no right to continue work or to accumulate stock on or after the date of termination of the lease or sooner determination, unless otherwise sanctioned by the Government. All accumulated stock and immovable property left in the leased out area after the date of expiry or determination of lease shall be deemed to be Government property.

20. *Grant of Mining Lease by auction or tenders.*—(1) Notwithstanding anything in these rules, any minor mineral deposit may be leased out by public auction or by inviting tenders to be submitted for acceptance by the authority competent to grant the lease.

(2) Notwithstanding anything contained in the second schedule, in such cases the annual dead rent shall be determined by the said authority.

(3) Mining Lease by public auction or tender under sub-rule (1) of this rule shall be granted only in such cases as the Government, may, by general or special order, direct.

CHAPTER III

Grant of Rent-cum-royalty leases.

21. *Restrictions on grant of rent-royalty leases.*—No rent-cum-royalty lease shall be granted over any minor mineral deposit unless it is notified by the Director in Rajasthan Gazette for grant of rent-cum-royalty leases. The notification shall mention the locality, name of minor mineral, the dimension of area for each lease, the maximum number of leases that may be granted to one person, and, if necessary in view of systematic mining and conservation of minor mineral, the portion of area where the grant of rent-cum-royalty leases shall be made in the first instance.

22. *Application for rent-cum-royalty lease.*—Application for rent-cum-royalty lease shall contain the particulars prescribed in Rule 8.

23. *Application where to be made.*—Every application for grant of rent-cum-royalty lease shall be made to the Mining Engineer or Assistant Mining Engineer of the department having jurisdiction on the area applied for.

24. *Register of rent-cum-royalty lease.*—A Register of rent-cum-royalty lease shall be maintained in the offices of the department for respective jurisdiction specifying particulars given below:—

- (1) Serial Number.
- (2) Name of the applicant.
- (3) Residence of the applicant.
- (4) Date of application.
- (5) Serial number assigned to the lease.
- (6) Name of minor mineral.
- (7) Date of grant of rent-cum-royalty lease.
- (8) Period of lease.
- (9) Rates of rent and royalty.
- (10) Date of grant of renewal, if any.
- (11) Period of renewed lease.
- (12) Revised rent and royalty rates, if any.
- (13) Remarks.

25. *Application fee.*—Every application for a rent-cum-royalty lease or its renewal shall be accompanied by a court fee of Re. 1/-.

26. *Area of rent-cum-royalty lease.*—The dimension of each area for the purpose of grant of rent-cum-royalty lease shall be fixed

Director, provided that the maximum dimension of the area shall not exceed 200' \times 200',

27. *Grant of rent-cum-royalty lease.*—A rent-cum-royalty lease shall be granted by the Mining Engineer or Assistant Mining Engineer of the Department.

28. *Period of rent-cum-royalty lease.*—A rent-cum-royalty lease may be granted for a period of two years unless the applicant himself desires a shorter period. Such rent-cum-royalty leases may be renewed by the Mining Engineer or Assistant Mining Engineer of the Department from time to time for further periods each of which shall not exceed the original period granted. Rent may be revised by the Director at the time of each renewal and royalty shall be chargeable at the rates in force at the time of each renewal.

29. *Priority.*—If more than one application in respect of the same land in whole or part thereof is received preference shall be given to the application received first, unless for any special reason the Government decides to the contrary, and if more than one application in respect of the same land or part thereof is received on the same day the Mining Engineer or the Assistant Mining Engineer, as the case may be, may grant the rent-cum-royalty lease to the applicant whom he considers fit in view of the following matters:—

1. Claim of being a quarry worker himself.
2. Experience.
3. Number of rent-cum-royalty leases held.
4. Claim of having worked in the area himself at any time and the work having been found satisfactory.

30. *Rent and royalty for rent-cum-royalty lease.*—(1) The rent for a rent-cum-royalty lease shall be between Rs. 12/- to Rs. 200/- per annum as would be fixed by the Mining Engineer or Assistant Mining Engineer, as the case may be, payable annually in advance in addition to royalty at the rate prescribed in accordance with the first schedule to these rules.

(2) The Mining or Assistant Mining Engineer of the department may fix rent not less than Rs. 2/- and not more than Rs. 10/- per month in respect of those areas which are outside the areas given under royalty collection contract and which do not measure more than 25 feet by 25 feet and in such cases no royalty shall be chargeable.

31. *Transfer of rent-cum-royalty lease.*—The lessee may transfer the rent-cum-royalty lease in accordance with rule 15 and for the purpose of determining the fee the amount of rent shall be taken as basis instead of dead rent.

32. *Conditions of rent-cum-royalty lease.*—The conditions of rent-cum-royalty leases shall be those contained in model agreement form given under schedule IV.

33. *Forfeiture of rent.*—If the lessee commits a breach of any term of the lease, the lease may be terminated by granting authority by giving 15 days' notice and in such case the rent for the balance period of the lease shall be forfeited.

CHAPTER IV

Grant of Royalty Collection Contract.

34. *Grant of royalty collection contract by auction or tender.*—(1) Royalty collection contracts may be granted by the Government by auction or tender for a maximum period of two years after which no extension shall be granted.

(2) The amount to be paid annually by the royalty collection contractor to the Government shall be determined in auction or by tender to be submitted for acceptance, by the authority competent to grant the contract.

(3) Royalty Collection Contract shall be granted only in such areas the Government may, by general or special order direct.

CHAPTER V

Procedure for auction and tender for grant of mining lease or royalty collection Contract.

35. *Presiding Officer.*—The Mining Engineer or Assistant Mining Engineer of the department shall be the presiding officer for auction and tenders for grant of mining leases and royalty collection contracts in his jurisdiction and he may reject or accept any bid or tender without assigning any reason to the bidders or tenderers. Where the highest bid or tender is rejected, the reason shall, however, be reported to the Government.

36. *Procedure for auction.*—The following shall be the procedure for holding auctions under rules 20 and 34:—

(1) the auction shall be notified in the Rajasthan Gazette, on the notice boards of the Director's and Mining Engineer or Assistant Mining Engineer's offices and at least in one news paper having wide circulation in the locality nearest to the area in question;

(2) the notification shall be published at least 30 days before the date of auction and it shall mention the terms and conditions of the auction and the lease or the royalty collection contract, as the case may be. A copy of the notification shall be sent to the Head of the Panchayat or Municipal Board having jurisdiction over the area in question;

(3) the terms and conditions and description of the lease shall be read out to the intending bidders at the time of auction and their signature or thumb impression should be obtained in token thereof;

(4) the intending bidders shall deposit such earnest money as may be fixed by the competent authority in each case, and such amount shall be mentioned in the aforesaid notification;

(5) No bids shall be regarded as accepted unless confirmed by the Government or the competent authority;

(6) No bid for mining lease or royalty collection contract recording a fall exceeding 25% in the amount of dead rent or contract in comparison with that of previous lease or contract in the same area, shall be accepted without prior approval of the Government;

(7) On completion of the auction the result will be announced and the provisionally selected bidder shall immediately deposit 25% amount of bid for one year and another 25% as security for due observance of the terms and conditions of the lease or contract;

(8) Misbehaviour by any person during auction can be punished by his removal or if necessary by debarring him for a period of 3 years from any future auction under these rules.

(9) Earnest money shall be refunded immediately at the conclusion of the auction to all excepting the person whose bid is provisionally accepted. The earnest money so retained shall be adjusted against security under clause (7) of this rule.

37. *Procedure for calling tenders.*—Following shall be procedure for calling tenders under rule 20 and 34;

(1) The tender shall be notified in the Rajasthan Gazette, on the noticeboards of the Director and Mining Engineer or Assistant Mining Engineer's offices and at least in one news paper having wide circulation in the locality nearest to the area in question. The Notification shall be published at least 30 days before the date of tender and it shall mention the terms and conditions of the tender and lease or the royalty collection contract as the case may be. A copy of the Notification shall be sent to the Head of the Panchayat or Municipal Board having jurisdiction over the area in question;

(2) Every tender shall be submitted in sealed cover superscribed with the relevant details of the lease or the royalty collection contract;

(3) Every tender shall be accompanied by the earnest money in cash or crossed demand draft, the amount of which shall be fixed by the competent authority in each case and it shall be mentioned in the aforesaid notification.

(4) No tender shall be regarded as accepted unless approved by the Government.

(5) No tender for mining lease or royalty collection contract recording a fall exceeding 25% in the amount of dead rent or contract in comparison with that of previous lease or contract in the same area, shall be accepted without prior approval of the Government.

(6) The tenders shall be opened in the presence of tenderer or tenderers who may be present at the notified time for opening the tenders. The tenderer who is provisionally selected shall deposit 25% of the amount of the tender for one year and another 25% as security for due observance of the terms and conditions of the lease or contract;

(7) Misbehaviour by any person during the course of offering tender can be punished by rejection of his tender or, if necessary,

by debarring him for a period of 3 years from offering tender in future under these rules;

(8) Earnest money shall be refunded within a period of one month from the date of final decision on the tenders excepting the person whose tender is accepted. The earnest money so retained shall be adjusted against security under clause (6) of this rule.

37A. *Defaulters not allowed to bid or submit tender.*—No person against whom any dues of the department of Mines and Geology are outstanding, shall be allowed to bid at an auction under rule 36 or to submit a tender under rule 37.

Notes.

Rule 37A has been newly added vide Industries and Mines (B) Department Notification No. F. 3 (4) (2) Ind./B/61 dated May 25, 1961, published in Rajasthan Raj-patra, part iv (c) dated June 15, 1961.

38. *Payment of Dead rent and Contract money.*—In case of leases or royalty collection contracts where the annual amount is not more than Rs. 1000/-, the balance amount shall be deposited by the lessee, or royalty collection contractor on the date of auction. In other cases, the balance amount shall be deposited in equal quarterly instalments of the annual amount in advance on due dates prescribed in the agreement.

39. *Register of mining leases granted by auction or by inviting tender.*—A register of mining leases granted by auction or by inviting tenders shall be maintained in the offices of the department for respective jurisdiction specifying the following particulars:

1. S. No.
2. Location with name of Tehsil.
3. Reference of rule made applicable.
4. Name of the tenderer or bidder and address.
5. Date of tender or auction.
6. Date of communication of acceptance of the tender or auction to the tenderer or bidder.
7. Name of the mineral.
8. Period of the lease.
9. Dead rent and rate of royalty.
10. Period of lease, if renewed.
11. Date of expiry of the lease.
12. Date from which area is free.
13. Remarks.

40. *Execution of lease.*—When a bid or tender is accepted the bidder or tenderer shall execute a lease, which shall, in case of a mining lease, contain the term and conditions mentioned in Rule 17 with such modification as may be necessary by reason of the provisions of rule 20, and in the case of royalty collection contracts, contain the terms and conditions notified under rule 35 (2) or 36 (1) as the case may be.

41. *Lease or contract to be executed within one month.*—The execution of lease or contract as required under rule 40 shall be made within one month of the date of receipt of communication of acceptance of bid or tender and if no such lease or contract is

executed within the aforesaid period, the order accepting the bid or tender shall be deemed to have been revoked:

Provided that where the State Government, or any officer authorised by the State Government, to accept bid or tender in its behalf is satisfied that the bidder or tenderer is not responsible for the delay in the execution of the lease or contract, the State Government or that officer as the case may be, may permit the execution of the lease or contract within a reasonable time after the expiry of the aforesaid period of one month.

CHAPTER VI.

Delegation and Appeal

42. *Delegation.*—The powers under all or any of these rules, including the power to grant mining leases or rent-cum-royalty leases or royalty collection contract or short term permits, will be exercised by the Director or by any other officer or officers of the Department, or by other officers as prescribed in Schedule III of these rules.

43. *Appeal when allowed.*—(1) Any person aggrieved by an order of Mining Engineer or Assistant Mining Engineer of the department on the following matters shall have the right of appeal to the Director or to any other officer appointed by Government in this behalf, namely—

- (i) refusing the grant or renewal of mining lease, rent cum-royalty lease or grant of royalty collection contract;
- (ii) cancelling or terminating mining lease or rent-cum-royalty lease or royalty collection contract or forfeiting security deposit in whole or in part;
- (iii) refusing to permit transfer of rent-cum-royalty lease or mining lease.

(2) Any person aggrieved by any order passed by the Director in appeal under sub-rule (1) shall have the right of appeal to the Government.

(3) Any person aggrieved by any order of the Director by virtue of the powers whether delegated or otherwise under these rules on the matter mentioned in sub-rule (1) shall have the right of appeal to the Government.

(4) The orders passed by the Government under appeal shall be final.

44. *Form of appeal and fees.*—(1) An appeal under rule 43 shall be in the form of memorandum of appeal in duplicate with numbered paragraphs stating concisely and precisely the ground of objection.

(2) The memorandum of appeal shall be accompanied by a Court fee of Rs. 25/- in case of mining leases or Royalty Collection Contract and Rs. 10/- in case of rent-cum-royalty leases.

45. *Limitation*.—An appeal under rule 43 shall be filed within two months of the date of the order appealed for;

Provided that an appeal may be admitted after the said period, if the appellant satisfies the appellate authority that he had sufficient cause for not filing the appeal within the said period.

46. *Procedure of appeal*.—Upon receipt of Memorandum of appeal satisfying requirements of rule 44 the appellate authority shall fix a date for hearing. It may, if it thinks fit, call for the relevant records and other information from the officer whose orders is the subject of appeal.

(2) The appellate authority may confirm or modify the order under appeal, after giving the appellant an opportunity of hearing and considering any comments that might be offered by the officer who gave the order under appeal.

CHAPTER VII.

Offences, Penalties and Prosecutions.

47. *Un-authorized working*.—(1) No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of the mining lease rent-cum-royalty lease or permit granted under these rules, Provided that nothing in this rule shall affect any mining operation undertaken in any area in accordance with the terms and conditions of the mining lease granted before the commencement of the Rajasthan Minor Mineral Concession Rules, 1955.

(2) Any contravention of rule 47 (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which the contravention continues after conviction for the first such contravention.

48. *Contravention of certain conditions of lease*.—Any mining lessee or his transferee or assignee, who commits a breach of any of the conditions of his lease mentioned in sub-rule (9) (relating to keeping and submitting certain accounts etc.) or sub-rule (12) (relating to allowing entry to some officers etc.) or sub-rule (23) (relating to delivering up the premises etc. at the end of the lease) of rule 17 shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1000/- or with both and in case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

49. *Offences cognizable only on written complaint*.—No court shall take cognizance of any offence punishable under these rules

except upon a complaint in writing made by the Director within six months of the date on which the said offence is alleged to have been committed.

CHAPTER VIII

Miscellaneous.

50. *Application of rules to all renewals.*—Where a mining lease or royalty collection contract granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to the renewal as they apply in relation to renewal of mining lease and grant of royalty collection contract granted after such commencement.

51. *Registers to be open to inspection.*—All registers maintained in the offices of the Department under these rules shall be open to inspection by any person who holds or intends to acquire a mining lease under these rules on payment of a court fee of Re. 1/- for each inspection.

52. *Rectification of mistakes.*—The Government or an officer acting under these rules as the case may be, may at any time within six months from the date of an order passed by it under these rules, rectify on its own motion any mistake or error in the order apparent on the face of the record, and shall, on an application in writing made within the said period, rectify any such mistake or error which has been brought to its or his notice by an application for the grant of a mineral concession.

Provided that no such rectification having or purporting to have prejudicial affect on another applicant for the grant of the same mineral concession shall be made unless such other applicant has been allowed a reasonable opportunity of being heard.

53. *Availability of the areas for re-grant to be signified by an entry in register for mining leases*—No area which was previously held under a mining lease shall be treated as available for re-grant unless an entry to that effect has been made in the register of mining leases for areas of a mile or above. The date from which they shall be treated as available for re-grant shall be notified in the Rajasthan Gazette at least 30 days in advance. The notification shall mention the relevant rule under which re-grant of leases shall be made. The aforesaid entry in the register of mining lease shall be made at least three months before the date of expiry of the lease..

Note :—(1) For the purpose of this rule, the register required to be maintained under rules 10 and 39 shall be deemed to be the register for entry under this rule.

(2) The application for renewal of mining lease may be disposed of before an entry in the Standard Register is made under this rule.

54. *Premature application*—Application for grant of mining lease in respect of areas which have been previously held under a mining lease but in respect of which there is no entry in the register as provided for in the foregoing rule, shall be deemed to be premature and shall be disposed of by the Government accordingly and the application fee paid shall be refunded.

55. *Dues may be recovered as arrears of land revenue*—Notwithstanding any thing in these rules, Government may recover any dues in respect of deadrent, surface rent, royalty, rent and royalty collection contract amount as arrears of land revenue under the law in force relating to such recovery.

55A. *Interest*.—An interest at the rate of 6 percent shall be chargee on all dues in respect of deadrent, royalty, surfacerent and rent and royalty collection contract amount from the date the same were payable.

Notes.

Rule 55 A has been newly added vide Industries and Mines B Department Notification No. F. 3 [4] 13 Ind. [B] 60 dated April 4, 1961 published in Rajasthan Raj-patra, part IV [c.] dated May 18, 1961.

56. *Grant of short term permits*.—Notwithstanding anything in these rules the Mining Engineer or Assistant Mining Engineer of the Department may grant short term permits to persons on payment of a fee of Rs. 5/-per permit and such persons may extract and take away minor minerals on payment of royalty as per schedule in force from deposits where no mining lease or rent-cum-royalty lease has been granted. The conditions under which the permit holder shall work and safety precautions which he must take shall be specified in the permits.

57. *Government may adopt any other procedure for leasing out minor mineral deposits*.—Notwithstanding anything in these

rules, Government may adopt any other method for leasing out minor mineral deposits in the best interest of the industry and development of the deposit. Such decision shall be notified in the Rajasthan Gazette.

58. *Acquisition of Bapi and Proprietary rights.*—The Government shall not recognise any Bapi or Proprietary right in or on any land wherein such a right is claimed by any person over any mineral bearing land or quarry, mine unless declared so by a court of law of competent jurisdiction. The Government may acquire such Bapi or Proprietary right so declared after payment of reasonable compensation.

59. *Relaxation of rules.*—The Government may relax any provision of these rules in the interest of mineral development or better working of mines.

60. *Revision.*—The State Government in respect of any order whether in appeal or otherwise passed under these rules, by the Director, Mining Engineer or the Assistant Mining Engineer and the Directorate in respect of any order passed under the rules by the Mining Engineer or the Assistant Mining Engineer may on application made in this behalf or on its own motion call for and examine the connected records for the purpose of satisfying itself as to the correctness, legality or propriety of the order and may confirm, vary or rescind such order.

Notes.

Rule 60 has been added vide Industries and Mines Department Notification No. F. 3 [4] 6] I B] 60 dated May, 3, 1961, published in Rajasthan Rajpatra, part IV [c] dated July 13, 1961.

SCHEDULE I

Rate of Royalty

[See Rule 17.1 (b)]

1. Building stone.

(a) Ashlar and sized dimensional stone :—

(i) Re. 1-00 to Re. 1-50 N. P. per ton.

Or

(ii) 00.12 N. P. to 00.62 N. P. per cft

Or

(iii) 00.01 N. P. to 00.05 per sq. ft.

Or

(iv) Average quantity :—

in a cart drawn by 2 bullocks	....	... 00.50 N. P.
in a cart drawn by 4 bullocks	....	... 1.00 N. P.
in a 1½ ton truck	....	... 1.50 N. P.
in a 3 ton truck	....	... 3.00 N. P.
in a 5 ton truck	....	... 5.00 N. P.
carried by one donkey	....	... 00.12 N. P.
carried by one camel	....	... 00.37 N. P.
One buffalo	....	... 00.25 N. P.

at the option of the lessor."

Notes.

Present item I (a) has been substituted for the previous one vide Industries, Mines and Labour Department (B) Notification No. F. (4) (3) Ind. (B) 60 dated June 15, 1960.

(2) Masonry stones including Khandas Boulder, Shingle etc.

(i) 00.25 N. P. per ton.

Or

(ii) Re. 1.00 per 100 C. ft.

Or

(iii) Average quantity :—

in a cart drawn by 2 bullocks	....	00.12 N. P.
in a cart drawn by 4 bullocks	....	00.25 N. P.
1½ ton truck	....	00.37 N. P.
3 ton truck	....	00.75 N. P.
5 ton truck	....	1.25 N. P.
carried by one donkey	....	00.02 N. P.
carried by one camel	....	00.09 N. P.
carried by one buffalo	....	00.06 N. P.

at the option of the lessor.

2. Lime stone.

(a) For Lime burning	Lime stone ...	00.06 N. P.
	Lime	00.09 N. P.
	Kachra lime	00.03 N. P.

- (b) For other purpose including coloured limestone used for manufacture of chips and other articles etc provided such other purpose falls within the definition of 'Minor Minerals.'

(i) Rs. 12.00 per hundred C. ft.

Or

(ii) Rs. 1.50 N.P. per hundred S. ft.

Or

(iii) 10% of the sale value at pit's mouth at the option of the Lessor.

3. Marble.

[1] Makrana Marble.

(a) Marble used for lime burning 00.03 N. P. per md.

(b) Marble rough carved and dressed Re. 1/- per md.

(c) Marble slabs 00.50 N. P. per md.

(d) Marble tiles

(i) Machine made 00.25 N. P. per md.

(ii) Hand made 00 12 N. P. per md.

(e) Marble chips, fine powder, Khandas & Ballast. 00.12 N. P. per md.

(f) Coarse powder of not more than plus 20 Mesh. 00.06 N. P. per md.

(2) Other Inferior Marble 00.50 to Re.1.00 nP. per md.

(Rough dressed, carved or slabs)

Notes.

Present item 3 has been substituted for the previous one vide Notification No. 3 F. [4] [4] Ind. [B] 60 dated June, 18, 1960.

4. Kankar Bajri and Jhajra Stones.

5. Brick Earth.

Note :-For the conversion number of bricks obtained from one ton of brick earth the following factor should be used — 1000 bricks of standard size to 4 tons of brick earth.

6. Fuller's Earth.

(a) For existing leases Rs. 27.00 per ton

(b) For new leases :—

(1) In case of Fuller's earth deposits which are situated within 20 miles from the nearest railway station Rs. 27.00 per ton.

(2) In case of such deposits which are situated beyond 20 miles but within 50 miles from the nearest railway station Rs. 15.00 per ton.

(3) In case of such deposits which are situated more than 50 miles from the nearest railway stationRs. 10.00 per ton.

(1) Waste Fullers Earth

(Powder form)

00.25 nP. per md.

Notes.

Present sub-item (1) of item 6 has been inserted vide Industries and Mines Department Notification No. F 3 [4] [20] Ind. (B)/61 dated November 30, 1961, published in Rajasthan Raj-patra part IV (c) dated December 28, 1961.

7 Bentonite

Rs- 15-00 per ton

SCHEDULE II

Rate of Deadrent

[See Rule 17 (3)]

	Minimum	Maximum
Per 100 Sq. ft. or part thereof up to 32 acres.	12 nP per 100 Sq. ft.	5/-per 100 Sq. ft.
Over a cres up to 2 Sq. miles for each additional acre or part thereof.	10/- per acre.	50/- per acre.
Over 2 Sq. miles up to 30 Sq. miles for each additional acre or part thereof.	3/- per acre	8/- per acre
Over 30 Sq. miles for each additional acre or part thereof.	2/- per acre	4/- per acre

Notes:—The rates shall be telescopic.

SCHEDULE III

Delegation of Powers under various Provisions of the Rajasthan Minor Mineral Concession Rules, 19.....

Designation of the Officer 1	Rule 2	Limit 3
Mining Engineers of Mines Department	6 : Powers to receive application for Mining lease.	In their respective jurisdiction.
Asstt. Mining Engineers of Mines Department.	-do-	-do-
Director of mines and Geology.	9 : Powers to assign priority to applications for Mining lease	Full powers for such leases where annual deadrent does not exceed Rs. 20,000/-
Mining Engineers of Mines Department	-do-	Full powers for such lease where annual deadrent does not exceed Rs. 2,000/-.
Asstt Mining Engineers of Mines Department.	-do-	Full powers to such leases where annual deadrent does not exceed Rs. 500/-
Director of Mines & Geology.	11 : Powers to grant or refuse Mining lease.	Full powers for such leases where annual deadrent does not exceed Rs. 20,000/-.
Mining Engineers of Mines Department.	11 : Powers to grant or refuse Mining lease.	Full powers for such lease where annual deadrent does not exceed Rs. 2,000/-.
Asstt. Mining Engineers of Mines Department.	-do-	Full powers for such leases where annual deadrent does not exceed Rs. 500/-.
Director of Mines & Geology.	15 : Powers to grant transfer of Mining lease.	Full powers for lease granted by him.
Mining Engineers of Mines Department.	-do-	Full powers for lease granted by him in their respective jurisdiction.
Asstt. Mines Engineers of Mines Department.	-do-	Full powers for leases granted by him in their respective jurisdiction.

Asstt. Mining Engineers of Mines Department.	-do-	-do-
Director of Mines and Geology.	34 (2) : Powers to direct grant of royalty Collection contracts by auction or tender.	Full powers.
-do-	36 (5) : Powers to confirm bid in auction	Full powers upto a limit of Rs. 20,000/- subject to provision rule 35 (vi).
Mining Engineers of Mines Department.	-do-	Full powers up to a limit of Rs. 2,000/- subject to provision of rule 36 (vi).
Asstt. Mining Engineers of Mines Department.	-do-	Full powers up to a limit of Rs. 500/- subject to provision of rule 36 (vi).
Mining Engineers and Asstt. Mining Engineers of Mines Department.	35 (8) : Powers to remove a person from auction for misbehaviour.	Full powers for auction presided by them.
Director of Mines and Geology.	37 (4) : Power to approve acceptance of tender.	Full powers up to a limit of Rs. 20,000/- subject to provision of rule 37 (v).
Mining Engineer of Mines Department.	-do-	Full powers up to limit of Rs. 2,000/- subject to provision of rule 37 (v).
Asstt. Mining Engineer of Mines Department.	-do-	Full powers up to a limit of Rs. 500/- subject to provision of rule 37 (v).
Mining Engineers and Asstt. Mining Engineers of Mines Department.	37 (7) : Powers to reject tender for misbehaviour of tenderer.	Full powers for tenders presided by them.
Director of Mines and Geology.	36 (8) & (37) : Powers to debar a person from taking part in auction or tender for 3 years for misbehaviour.	Full powers.

-do- 40: Powers to permit Full powers for leases execution of lease or granted by him. contract after one month of acceptance of bid or tender.

Mining Engineers and Asstt. Mining Engineers of Mines Department. -do- Full powers for leases granted by them.

-do- 49: Powers to make Full powers in their written complaint to respective jurisdiction. court.

SCHEDULE IV.

(1)

Standard form of Rent-cum-Royalty Lease for Minor Minerals.

This indenture made this..... day of..... 19..... between the Governor of the State of Rajasthan (hereinafter referred to as the 'Government' which expression shall, where the context so admits, include his successors in office and assigns) of the one part, and Shri..... Son of Shri..... of village.... Tehsil..... (hereinafter referred to as the 'lessee' which expression shall, where the context so admits, include his heirs, executors, administrators, representatives and permitted assigns) of the other part;

Whereas the Lessee has applied for a rent-cum-royalty lease in accordance with Rajasthan Minor Mineral Concession Rules, 19 (hereinafter referred to as the 'said rule') and has deposited with the Government the sum of Rs..... as rent;

NOW, THEREFORE, THIS DEED WITNESSES and the Parties hereby agree as follows:—

(1) In consideration of the rent and royalties, covenant and agreements hereinafter contained and on the part of the lessee to be observed and performed, the Government hereby grant and demises unto the lessee, all the mines/beds/veins/seams of (hereinafter referred to as the said mineral) situated, lying and being in or under the lands falling in the quarry number ... as demarcated and shown in the master plan approved by the Director of Mines and Geology, Rajasthan, measuring ft. by ... ft. (hereinafter referred to as the said quarry) for a period of..... years from..... subject to renewal of the lease in accordance with rule 23 of the rules;

(2) The Lessee shall have the liberty at all times during the term hereby demised to enter upon the said quarry and to mine, bore, dig, drill for, win, work, dress, process, convert, carry away and dispose of the said mineral.

(3) The liberties, powers, privileges granted by clause 2 are subject to following conditions, namely:—

- (a) The Lessee shall pay royalty on the quantity of the said mineral despatched from the said quarry at the rate specified in the first schedule to this lease, to the Government or any royalty collection contractor, appointed by the Government in this behalf;
 - (b) The Lessee shall pay an annual rent of Rs.... .. to the Government on such date and at such place as instructed by the Mining Engineer/Assistant Mining Engineer,.....
 - (c) The Lessee shall pay such amount per year or part thereof to the Government for removal of dump from the quarry at such rate and at such time as may be fixed by Government from time to time;
 - (d) The Lessee shall start work in the quarry within 15 days of the execution of the lease and shall thereafter continue to work effectually in a proper skilful and workmanlike manner both as regards prevention of waste and as regards removal of all valuable minerals from the mine;
 - (e) The Lessee shall maintain and at all times keep in repair boundary pillars at the corners of the quarry according to the demarcation approved by Director of Mines and Geology, Rajasthan.
 - (f) The Lessee shall abide by the instructions of the Mining Engineers/Assistant Mining Engineers regarding the working of the quarry, removal of dump and waste, drainage and other matters connected with the systematic development of the quarry.
 - (g) The Lessee shall maintain a record of the production and despatches of the said mineral and shall submit extract from this record to the Mining Engineer/Assistant Mining Engineer in such form as may be prescribed by him.
- (4) *Penalty.*—
- (a) The lease may be determined by the Government, or an officer authorised by it, without giving any notice if the Lessee fails to start work in the said quarry or does not work it for a continuous period of 3 months without obtaining prior approval of the Mining Engineer/Assistant Mining Engineer ;
 - (b) The lease may be determined by the Mining Engineer/Assistant Mining Engineer, if the rent for the said quarry is not paid on the date prescribed by him, after giving 30 days' notice to clear the dues;
 - (c) The lease may be determined by Mining Engineer/Assistant Mining Engineer, in case the Lessee fails to remedy the breach of any of the foregoing conditions after a notice of 30 days.

SCHEDULE I.

Rate of royalty

Note.—The rate of royalty shall be revised from the beginning of 1965 and thereafter once in every 5 years, and such revised rate shall be applicable to this lease.

In witness whereof this indenture has been executed in the manner hereunder appearing the day and year first above written.

Signed by
for and on behalf of the Governor,
in the presence of—

1.
2.

Signed by
for and on behalf of
in the presence of—

1.
2.

Standard Form of Mining Lease for Minor Minerals.

This Indenture made this... day of 19..... between the Governor of the State of Rajasthan (hereinafter referred to as the 'Government' which expression shall, where the context so admits, include his successors in office and assigns) of the one part and (1)

(1) *When the Lessee is an individual.*

(Name of person).

(Address and occupation.

(hereinafter referred to as 'the lessee' which expression shall, where the context so admits, include his heirs, executors, administrators, representatives and permitted assigns), (1).

(2) (2) *When the Lessees are more than one of individual.*

(2)

(Name of person)

(Address and Occupation)

and

of

(Name of Person)

and

(Address and Occupation)

of

(Name of Person)

(Address and Occupation)

(hereinafter referred to as the 'Lessees' which expression shall, where the context so admits, include their respective heirs, executors, administrators, representatives and permitted assigns), (2).

(3) *When the Lessee is a firm.*

(3)

(Name of Person)

of

(Address)

and

of

(Name of Person)

and

(Address)

of

(Name of Person)

(Address)

all carrying on business in partnership at (address of the firm) under the name and style of (Name of the firm).

(hereinafter referred to as the 'Lessees', which expression shall, when the context so admits, include all the partners of the said firm, their representatives, heirs, executors, administrators and permitted assigns), (3).

(4) *Where the lessee is a registered company—*

(4) (Name of company)

a company REGISTERED UNDER (Act under which incorporated) and having its registered office at

(address)

(hereinafter referred to as the 'lessee' which expression shall, where the context so admits, include its successors and permitted assigns) (4) of the other part).

Whereas the Lessee/Lessees has/have applied to the Government in accordance with the Rajasthan Minor Mineral Concession Rules, 19 (hereinafter referred to as the said Rules) for a Mining lease for in respect of the lands hereinafter described in clause 1 (b) and has/have deposited with the Government the sum of Rs..... ..as security.

NOW THEREFORE THIS DEED WITNESSES and the parties hereto hereby agree as follows:—

1. *Demise.*—(a) In consideration of the rents and royalties covenants and agreements hereinafter contained and on the part of the Lessee/Lessees to be paid observed and performed, the Government hereby grants and demises unto the Lessee/Lessees. All those mines/beds/veins seams of . . . (hereinafter referred to as the said minerals) situated, lying and being in or under the lands which are referred to hereinafter and subject to other provisions of this lease.

(b) *Area.*—The area of the said lands is as follows:—

(hereinafter referred to as the said lands or the leased area).

(c) The Lessee/Lessees shall HOLD the premises hereby granted and demised from the.... .. day.... .. for the term of.... ..years thence next ensuing.

2. *Liberties powers and privileges to be exercised and enjoyed by the lessees.*—The following liberties, powers and privileges may be exercised and enjoyed by the Lessee/Lessees subject to the other provisions of this lease:—

To enter upon land and search for win work etc.—

(a) Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for, mine, bore, dig, drill for, win, work, dress, process, convert, carry away and dispose of the said minerals.

(b) *To sink, drive and make pits, shaft and inclines etc.*—Liberty and power for or in connections with any of the purposes mentioned in this clause to sink, drive, make, maintain and use in the said lands and pits, shafts, inclines, drifts, levels, waterways, airways and other works (and to use, maintain, deepen) or extend any existing works of the like nature in the said lands).

(c) *To bring and use machinery equipment.*—Liberty and power for or in connection with any of the purposes mentioned in this clause to erect, construct, maintain and use on or under the said lands any engines, machinery, plant, dressing floors, furnaces, coke ovens, brick-kilns, workshops, store-houses, bungalows, godowns, shed and other buildings and other works and conveniences of the like nature on or under the said lands.

(d) *To use water from streams etc.*—Liberty and power for or in connection with any of the purposes mentioned in this clause but subject to the rights of any existing or future lessees and with the written permission of the Collector to appropriate and use water from any streams, water-courses, springs or other source in or upon the said lands and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any water-course, culverts, drains, or reservoirs but not so as to deprive any cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs. Provided that the Lessee/Lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without the previous written permission of the Government.

3. *Restriction as to the exercise of the liberties etc.*—The liberties, powers and privileges granted by clause 2 are subject to the following restrictions and subject to the other provisions of this lease:—

(a) *The mining operations within 50 yards of public works etc.*—The Les-ee/Lessees shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 yards from any railway line except with the previous written permission of the Railway Administration concerned, or from any reservoir, canal or other public works or buildings or inhabited site except with the previous permission of the Collector or any other officer authorised by the Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special as may be attached to such permission. The said distance of 50 yards shall be measu-

red in the case of railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof.

Explanation.—For the purpose of this clause :

(i) the expression 'Railway Administration' shall have the same meaning as it is defined to have in the Indian Railways Act, 1890 by sub-section (4) of section 3 of that Act,

(ii) 'Public road' shall mean a road which has been constructed or artificially surfaced as distinct from a track resulting from repeated use.

(b) *Permission for surface operations in a land not already in use.*—Before using for surface operations any land which has not already been used for such operation the Lessee/Lesseees shall give to the Collector of the District two calendar months previous notice in writing specifying the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used if objection is issued by the Collector within two months after receipt by him of such notice unless the objections so stated shall on reference to the Government be annulled or waived.

4. *Covenants in accordance with the Rajasthan Minor Minerals Concession Rules, 1959 rule 17 Royalty.*—The Lessee/Lesseees hereby covenant with the Government as follows:—

(1) The Lessee/Lesseees shall pay royalty on the quantity of the said mineral despatched from the leased area at the rates specified in the first schedule to this lease:

Provided that the said rates approved shall be liable to be revised by the Government and such revision shall apply to this lease subject to the condition that the lessee/lesseees shall not be required to pay during the currency of the lease a rate of royalty exceeding 25% of the rate mentioned in the first schedule and that the enhancement in the rate of royalty shall not be made more than once during any period of four years.

(2) *Surface rent.*—The Lessee/Lesseees shall pay for the surface area used by him/them (for the purpose of mining), surface rent equal to the land revenue payable under the Rajasthan Land Revenue Act, 1956 or any other law in force.

(3) *Dead rent.*—The Lessee/Lesseees shall also pay for every year, the yearly deadrent mentioned in the Second Schedule to this lease:

Provided that the Lessee/Lesseees shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher, but not both.

(4) *Rate and mode of Payment of deadrent etc.*—Subject to the provisions of sub-clause (3) of this clause, as from the day of.....during the subsistence of the lease, the Lessee/Lesseees shall pay to the Government in four equal quarterly instalments on the day of the day of... .. the day of..... and the day of..... for each year the deadrent in the office of the Mining Engineer/Assistant Mining Engineer of the Division. Subject as aforesaid, this provision will also apply to the payment of royalty and surface rent.

(4) *A Dumpremoval charges*—The Lessee/Lesseees shall pay such amount peryear or part thereof to the Government for removal of dump from mines and quarries in the said area at such time and at such rate as may be fixed by the Government from time to time.

(5) *To pay compensation for damage and indemnify th Govt.*—The Lessee/Lesseees shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him/them in exercise of the powers granted by the lease and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

(6) *Not to injure tree.*—The Lessee/Lesseees shall not cut or injure any tree in area of his/their lease without the previous sanction in writing of the Chief Conservator of Forests, Rajasthan or an officer authorised by him.

(7) *To maintain boundary pillars.*—The Lessee/Lesseees shall at his/their own expense erect and at all times maintain and keep in repair, boundary pillars and mark according to the demarcation shown in the plan annexed hereto.

(8) *Not to erect buildings etc. on places.*—The Lessee/Lesseees shall not erect any building or carry on any surface operations on any public pleasure grounds, places of worship, sacred graves, burial grounds or village sites for houses, public roads, or other places which the competent authority may determine on public grounds to bring within this restriction.

(9) *To commence mining operations within the month and carry them on properly.*—The Lessee/Lesseees shall commence mining operations within one month from the date of the lease to him/them and thereafter carry on such operations effectively in a proper, skilful and workmanlike manner both as regards prevention of waste by removal of sufficient overburden, careful storage of waste and drainage and as regards removal of all valuable minerals within the mine.

(10) *Accounts.*—The Lessee/Lesseees shall keep correct accounts showing the quantity and particulars of all minerals

obtained from the mines and the number of persons employed therein, and also complete plans of the mine and shall allow any officer of the Department at any time to examine such accounts and plans and shall furnish him with such information and return in respect of aforesaid matter as he may require.

(11) *Being by rules* --The Lessee/Lessees shall abide by all existing Acts and Rules enforced by the Government of India or the State Government and all such other Acts or Rules as may be enforced from time to time in respect of working of the mine and other matters affecting safety, health and convenience of the employees of the Lessee/Lessees or of the public.

(12) *To allow facilities to other Lessees etc.*—The Lessee/Lessees shall allow existing and future licensees or lease holders of any land which is comprised in or adjoins or is reached by the land held by the Lessee/Lessees, reasonable facilities for access thereto.

(13) *To allow entry to officers.*—The Lessee/Lessees shall allow any officer of the Department or of the Indian Bureau of Mines to enter upon the premises comprised in the lease for the purpose of inspecting the same and abide by instructions issued by him from time to time regarding the conservation and development of minor minerals and other related matters.

(14) *Buildings erected by Lessee.*—The Lessee/Lessees may erect on the area granted to him/them any building required for bonafide mining purposes and such building shall be the property of the Government after expiry of the lease.

(15) *To report accident.*—The Lessee/Lessees shall without delay report to Director or any officer authorised by him any accident which may occur at or in the said premises and also the discovery on or within any or the lands or mines demised by the lease of any mineral whether minor or otherwise not specified in the lease.

(16) *working of newly discovered minerals.*—If the Lessee/Lessees intends/intend to work such newly discovered mineral or minerals he/they shall within three months of making such report as is mentioned in sub-clause (15) of this clause intimate his/their intention to the Officer of the Department having jurisdiction over the area and apply for quarry license or mining lease in respect thereof in accordance with the rules regulating the grant of mining concessions for that mineral. But such quarry license or mining lease shall not be granted as a matter of right.

(17) *Working of newly discovered minerals.*—If the Lessee/Lessees intimates his their intention not to work the

newly discovered minerals or fails to intimate intention to work it within a period of three months then it shall be open to the Government to grant a license or lease for the working of the same to any other person.

(17) (a) *To hand over possession of protected areas.*—If any area out of the leased area is declared as a protected area under the Ancient Monument Preservation Act of the Government of the India the lessee will have to deliver the possession back to the State Government without claiming any compensation for that area.

(18) *Surrender.*—The Lessee/Lesseees may give notice in writing to the Government at any time intimating his/their intention to surrender the lease on the expiration of six months from the date of notice, after which period no fresh liabilities will accrue against the Lessee/Lesseees in respect of this lease, provided that the surrender of the lease shall not be effective unless all dues outstanding, including the period of notice against the lessee is paid before the notice is given.

(19) *Cancellation.*—The lease shall be liable to be cancelled by the Director, if the Lessee/Lesseees ceases to work the mine for a continued period of six months without obtaining written sanction of the Government.

(20) *Presumption.*—The Government shall have the right of presumption at current market rates over all minerals demised by the lease and shall be indemnified by the Lessee/Lesseees against claims of any third party in respect of such minerals (See Clause 8 also.)

(21) *Consequence of non-payment of royalty or rent.*—The Government shall determine the lease after serving a notice on the lessee to pay the dues within 30 days from the date of the receipt of notice, if the dead rent or royalty or dump removal charge is not paid within 15 days next after the date fixed in these presents. The Government shall have the right at any time after serving the above notice to enter upon the said lands and distrain all or any of the minerals or movable property therein and shall carry away, detain or order the sale of the property so distrained, or so much of it as will suffice for satisfaction of the rent or royalty or dump removal charge and all costs and expenses occasioned by the non-payment thereof. These rights shall be without prejudice to the right of the Government to realise all its dues, under the Rajasthan Public Demands Recovery Act, 1952 (Rajasthan Act V of 1952) or Rajasthan Land Revenue Act, 1956 (Rajasthan Act, No. 15 of 1956).

(22) *Consequence of breach of other Covenants.*—In case of any breach on the part of the Lessee/Lesseees of any covenant or condition contained in the lease (other than condition regarding rent or royalty) whether contained in this clause or any other clause of this lease the Government may determine the lease and take possession of the said premises, or in the alternative, may impose payment of a penalty not exceeding twice the amount of the annual dead rent from the Lessee/Lesseees such action shall not be taken unless the Lessee/Lesseees has/have failed to remedy the breach after 30 day's notice.

(23) *Delivery on termination of lease.*—At the end or sooner determination of the lease, the Lessee/Lesseees shall deliver up the said premises and all mines (if any) dug therein in a proper and workable state, save in respect of any working as to which the Government might have sanctioned abandonment.

(24) *Determination of lease in the public interest.*—(a) The Government may determine the lease if the Government considers that the minor mineral under the lease is required for establishing an industry beneficial to the public.

(b) A determination under this sub-clause shall not be valid unless six calendar months notice in writing has been given by the Government to the Lessee/Lesseees. Such notice need not however be given in war or emergency.

5. *Further covenants of the lessee*—The Lessee/Lesseees hereby covenant/covenants with the Government as follows :—

(1) *To provide weighing machine.*—The Lessee/Lesseees shall provide and at all times keep at or near the pit-head at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minerals from time to time brought to bank, sold, exported and converted and also the converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores, products, raised, sold, exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The Lessee/Lesseees shall permit the Government at all times during the said term to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the Lessee/Lesseees. The Lessee/Lesseees shall give 15 days previous notice in writing to the Mining Engineer or Assistant Mining Engineer of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

(2) *To allow test of weighing machine.*—The Lessee/Lessees shall allow any person or persons appointed in that behalf by the Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used to therewith in order to ascertain whether the same respectively are correct and in good repair and order, and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the Government may require that the same be adjusted, repaired and put in order by and at the expense of the Lessee/Lessees, and if such requisition be not complied with within fourteen days after the same shall have been made, the Government may cause such weighing machine or weights to be adjusted, repaired and put in order and the expense of so doing shall be paid by the Lessee/Lessees to the Government on demand, and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the Government such error shall be regarded as having existed for three calendar months previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights, in case such occasion shall be within such period of three months as the said rent and royalty shall be paid and accounted for accordingly.

(3) *Not to obstruct working of other minerals.*—The Lessee/Lessees will exercise the liberties and power hereby granted in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to the development any working, within the said lands of any minerals not included in this lease, and shall at all times afford to the Central and State Governments, and to the holders of prospecting license or mining leases in respect of any such minerals within any land, or any minerals within any land adjacent to the said lands as the case may be, reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting, working, developing and carrying away the same, provided that the Lessee/Lessees shall receive reasonable compensation for damage or injury which he/they may sustain by reason on in consequence of the use of such passage by such lessees or holders of prospecting licenses.

(4) *Forfeiture of property left more than six months after determination of lease.*—If at the expiration or sooner determination of the said term or after the date from which any surrender by the lessee of a part or parts of the said lands under the provision contained in sub-clause (15) of clause 4 of this lease become effective, there shall remain in or upon the said land or the surrendered part or parts thereof as the case may be, any engines, machinery, plant, structures, tramways, railways and other work, erections and con-

veniences or other property which are not required by the Lessee/Lessees in connection with his/their operations in those parts of the said lands which have not been surrendered or in any other lands held by him then under a prospecting license or mining lease granted by the Government, they shall become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation.

6. *Further covenants of the lessee.*—The Lessee/Lessees further covenants/covenant with the Government as follows:—

(1) *Interest*—The Lessee/Lessees shall pay to the Government simple interest at the rate of 6% per annum on all amounts outstanding against the Lessee/Lessees under this lease, whether as dead-rent, royalty, surface rent or otherwise.

(2) *To keep mines etc. in good order.*—The Lessee/Lessees shall throughout the term of this lease keep all mines, buildings, engines, machinery and other mining plants good repair and working order.

(3) *To take ballast etc. for leased area only*—The Lessee/Lessees shall take out and use ballast, Khandas and rubbles from his /their quarries for his/their bona fide use in the leased area only.

(4) *To deliver samples of rocks etc.*—The Lessee/Lessees shall deliver to or permit to be taken by the representative of the Government a sample or samples of all rocks found on mines or raised and all intermediate and finished products sold or intended for sale by the Lessee/Lessees.

(5) *To secure pits shafts and not fill them up.*—The Lessee/Lessees shall well and properly secure pits and shafts and will not without permission in writing of the Mining Engineer wilfully close, fill up or choke any mine, or shaft.

(6) *To set apart land for public purpose and Government requirements.*—The Lessee/Lessees shall when required by the Government so to do, set apart land for public purposes and Government requirements and permit the Government to occupy the same when the Government thinks it necessary or expedient but the Government will so far as is compatible with the objects aforesaid, select the land so as not to interfere with the mining operations of Lessee/Lessees, and will from time to time pay to the Lessee/Lessees such sums of money as will reasonably indemnify the Lessee/Lessees for moneys expended in buying surface rights over any of the lands so

set apart and cost of removal of any work carried thereon and for any loss or damages caused to the Lessee/Lessees by any interference in the mining operations.

(7) (a) *To abstain from entering, occupied land.*—The Lessee/Lessees shall abstain from entering upon the surface of any occupied Government land or of any private land comprised within the leased area without previously obtaining the consent of the occupant in writing.

(b) The Lessee/Lessees shall abstain from opening any new quarry or depot in the leased area without the previous sanction of the Mining Engineer, Assistant Mining Engineer concerned.

(8) *Not to obstruct Road etc.*—The Lessee/Lessees shall keep open and in no way construct any road, path or by way of any kind whatsoever.

(9) *Not to obstruct working of other minerals.*—The Lessee/Lessees shall in the event of his/their declining to take a lease, permit the Government or other persons duly authorised by the Government in that behalf to enter into and upon the leased area and to conduct prospecting and mining operations thereon in respect of minerals or other substances other than.....
.....but the Government will, so far as is compatible with the objects aforesaid, select the land to be so set apart and appropriated in such a manner as not to interfere with the mining operations of the Lessee/Lessees and will indemnify the Lessee/Lessees for any loss or damage caused to the lessee by any interference with the mining operations.

(10) *To allow free use of tanks, water courses etc. to the public and the Government.*—The Lessee/Lessees shall abstain from all interference with and allow to the public and the Government the free use of tanks, water courses, places of worship, sacred graves, burial grounds and village sites for houses which may now exist or may hereafter be set apart or appropriated as herein before provided on the leased area.

(11) *Not to use land for other purposes.*—The Lessee/Lessees shall not cultivate or use the land save for the purposes of the rights licenses and liberties hereby granted.

(12) *Not to enter upon or so commence operations in the State*—The Lessee/Lessees shall not enter upon or commence any mining operations in any State Forest or land under special protection comprised in the leased area except after previously obtaining permission in writing of the appropriate officer.

(13) *To respect water rights and not injure adjoining property.*—The Lessee/Lessees shall not injure or cause to

deteriorate any sources of water, power or water-supply and shall not in any other way render any spring or stream of water unfit to be used or do any thing to injure adjoining lands, villages or houses.

(14) *Stooks lying at the end of the lease.*—The Lessee/Lessees shall on the termination or sooner determination of the lease remove all extracted minerals from the premises of the leased areas. All extracted minerals in the said lands left over undisposed after the termination or determination of lease, shall be deemed to be property of the Government.

(15) *Service of notice on lessee.*—The Lessee/Lessees shall at all times have at the leased area a duly accredited Superintendent or Agent to whom all notices may be given and all communications from the officers of the Department or the Government may be delivered, the Government being at liberty, should there at any time be no such agent on the leased area, to treat any other person there as such agent and to serve all notices and other documents upon the said agent or in his absence, upon any such other person as aforesaid or, in the case of there being no such other person as aforesaid then by affixing such notices or documents upon some conspicuous portion of the mining block.

(16) *Supply of stones to the public.*—The Lessee/Lessees shall, unless prevented by reasonable cause e.g., collapse of the quarry, to the satisfaction of the Government, the Lessee/Lessees shall not fail or neglect or delay to supply..... to the public at pits mouth within reasonable period of..... (to be specified). In the event of unsatisfactory supply by the Lessee/Lessees to local public the with the approval of the Director may allow the consumers to quarry/extract with their own arrangements in the leased area outside the existing quarries or depots and the Lessee/Lessees will not be entitled to any royalty on this account but the same will be payable to the Government. This quantity will not be taken into account in the maximum quantity of..... mentioned in

7. *Calculation of Royalty assignment, payment of tax, and recovery of dues.*—It is hereby further agreed between the parties hereto as follows:—

(1) The royalty payable hereunder shall be counted on the value of the mineral extracted as at the pits mouth or on the value at the depot at the railway station after deduction of cartage and loading and unloading charges.

(2) *Assignments*—The Lessee/Lessees shall not assign, sub-let, or under-let this lease or part with the possession of the leased area or any part thereof except in the manner permitted by rule 15 of the said Rules.

(3) *Recovery under the public demands Act.*—Without prejudice to any other mode of recovery authorised by any provision of this lease or by any law, all amounts, falling due hereunder against the Lessee/Lessees may be recovered as arrears of land revenue under the law in force for such recovery.

(4) *Payment of taxes.*—The Lessee/Lessees shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the leased area, said minerals or the working of the mines.

8. (a) *Right of pre-emption of the Government.*—The Government shall from time to time and at all times during the said term have the right (to be exercised by notice in the writing to the Lessee/Lessees) of pre-emption of the said minerals (and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the Lessee/Lessees and the Lessee/Lessees shall with all possible expenditure deliver all minerals or products or minerals purchased by the Government under the power conferred by this provision in the quantities, at the time in the manner and at the place specified in the notice exercising the said right.

(b) Should the right to pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the Government or the Central Government be detained on demurrage at the port of loading, the Lessee/Lessees shall pay the amount due for demurrage according to the terms of the charter, party of such vessel, unless the Government shall be satisfied that the delay is due to causes beyond the control of the Lessee/Lessees.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the Government in exercise of the right hereby conferred shall be the fair market price prevailing at the time of pre-emption:

Provided that in order to assist in arriving at the said fair market price the Lessee/Lessees shall, if so required, furnish to the Government for the confidential information of the Government particulars of the quantities, description and prices of the said minerals or products thereof sold to other customers and of charters entered into freight for carriage of the same, and shall produce to such officer or officers as may be directed by the Government original or authorised copies of contracts and charter parties entered into for the sale of freightage of such minerals or products.

9. *Action in case of war or National emergency.*—In the event of the existence of a state of war or of grave national emergency (of which existence the Government shall be the sole judge and a notification to this effect in the Rajasthan Gazette shall be conclusive

proof) the Government shall from time to time and all times during the said term have the right (to be exercised by a notice in writing to the Lessee/Lessees) forthwith to take possession and control of the works, plant, machinery and premises of the Lessee/Lessees situated on the said lands or meant for use in connection with the said lands or the operations under this lease, and during such possession or control the Lessee/Lessees shall conform to and obey all directions given by or on behalf of the Government regarding the use or employment of such works, plants, premises and minerals;

Provided that fair compensation which shall be determined in default of agreement by the Government shall be paid to the Lessee/Lessees for all loss or damage sustained by him them by reason or in consequence of the exercise of the powers conferred by the clause:

Provided also that the exercise of such powers shall not determine of the said term hereby granted or effect the terms and provisions of these presents further than may be necessary to give effect to the provision of this clause.

10. (a) *Security and forfeiture thereof.*—The Government may forfeit the whole or any part of the amount of Rupees deposited by the Lessee/Lessees as security under this lease, in case the Lessee/Lessees commits/commit a breach of any covenant to be performed by the Lessee/Lessees under this lease.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof shall be forfeited under sub-clause (a) or applied by the Government towards satisfaction of any due of the Government under this lease (which the Government is hereby authorised to do), the Lessee/Lessees shall immediately deposit with the Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the Government up to the sum of Rs.....

(c) The rights conferred by this clause shall be without prejudice to the rights conferred on the Government by any other provision of this lease or by any law.

11. In this lease, unless the context otherwise required—

(a) 'Department' means the Department of Mines and Geology, Rajasthan.

(b) 'Director' means the Director for the Mines and Geology, Rajasthan for the time being and includes any officer lawfully authorised by him to perform any of his functions.

(c) 'Government' includes an officer of the Government to whom any powers of the Government have been, for the time being, lawfully delegated.

FIRST SCHEDULE

[See Clause 4 (1)]

Rate of Royalty

SECOND SCHEDULE

[See Clause 4 (3)]

Annual Dead Rent

IN WITNESS WHEREOF THIS indenture has been signed by the Lessee/Lessees.

Signed by... .. the Lessee/Lessees and by...
.....on behalf of the Government.

Signed.....
Witness.....1.
Witness.....2.

Signed by Order of and on behalf of the Governor of the State of Rajasthan.

.....
(Designation)

(Plan with boundary marked to be annexed).

Agreement of Collection of Royalty on Minor Minerals.

This Indenture made this... .. day of.....
19....between the Governor of the State of Rajasthan (hereinafter referred to as "the State Government" which expression shall where the context so admits be deemed to include his successors in office and assigns) of the one part and.....
..... (hereinafter referred to as "the Contractor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns) of the other part.

AND WHEREAS the Contractor has offered the highest bid for the contract of collection of royalty chargeable on
excavated from the quarries at... .. Tehsil.....
... .. District... .. Division

AND WHEREAS the contractor has paid undertaken to pay in the manner hereinafter given a sum of Rupees ..
to the State Government with the condition that working lessee shall enjoy the right of mining on payment of royalty to the Contractor at the rates specified in their leases under the First Schedule to the Rajasthan Minor Mineral Concession Rules, 19

AND WHEREAS the contractor has paid a security for Rs.
for the due fulfilment of the terms and covenants hereinafter mentioned and the State Government has agreed to grant him the aforesaid contract.

NOW THESE PRESENTS WITNESS follows:—

1. The State Government hereby grants to the Contractor authority to collect from the quarry holders or from persons carry-

ing or removing stones excavated from the quarries of such quarry holders royalty on minor minerals despatched from the leased area at the rates specified in the lease agreement of each quarry holders.

2. The agreement shall remain in force for a period of commencing on first April, 19...and ending on thirty-first March 19...

3. The Contractor shall issue printed receipts for each royalty so collected and retain a counterfoil with him.

4. The Contractor shall collect the royalty from quarry holders at the quarry mouth and if the royalty is not paid at the quarry mouth, then at any place near the quarry provided that such place is fixed after prior approval thereto has been obtained in writing from Director/Mining Engineer/Assistant Mining Engineer.

5. In cases where royalty collection contracts are given on village-wise basis, the royalty collection contractor shall not charge any royalty from Irrigation or Public Works Departments contractors on such minerals as are certified by the Executive Engineers concerned as required for Government works.

6. For the due fulfilment of the terms and conditions of the Contract the Contractor shall deposit twenty-five per cent of the contract money in advance as security which will be refunded on the termination of the contract.

7. The Contractor shall not transfer the contract to or in the name of any body.

8. The Contractor shall not have any other claim regarding quarries in this contract except realisation of royalty at the Scheduled rates on behalf of the Government.

9. The Contractor shall abide by the orders and instructions issued by the Government or any officer of the Department in accordance with or under the Minor Mineral Concession Rules, 19.

10. No royalty shall be charged on the minor minerals removed by a cultivator who has obtained certificate of his being a bona-fide cultivator from the Panchayat of the village where he resides or, if there be no Panchayat, from a Revenue Officer not lower than the rank of Naib-Tehsildar, as provided in rule 4 of Rajasthan Minor Mineral Concession Rules, 19.

11. The royalty shall be collected on the minor minerals excavated during the contract period and not on minor minerals brought from outside the area for which this contract is given.

12. If a quarryman or anybody on his behalf in order to evade payment of royalty makes gitties of the stone on the spot the Contractor will be competent to realise royalty on the same as per Scheduled rates.

13. In case of default in the due observance of the terms and conditions of the contract, the contract may be terminated by the Government by giving one month's notice with forfeiture of security deposit as also the instalment paid in advance if any.

14. The Contractor shall make his own arrangement for collection of royalty and the State Government does not take any responsibility if any quarry holder refuses to pay royalty to him, but if a complaint is made by him in this respect, the same may be considered for taking action under Rajasthan Minor Mineral Concession Rules, 19

15. The Contractor shall pay the instalments of contract money according to the stipulations laid down in the contract, and if any amount is not paid on due date it shall be collected as an arrear of land revenue and an interest (a) 6½% will be charged.

16. The contract may be terminated by the State Government if considered by it to be in public interest, by giving one month's notice.

IN WITNESS WHEREOF the parties have appended their signatures to these presents.

Signed on behalf of the Governor
of the State of Rajasthan.

.....

.....

(Designation)

Signature of the Contractor.

Date.....

Date

Witness I.....

I.....

II

II.....

Standard Form for Short Term Permit.

(Under Rule of..... Rules).

Whereas Shri
has applied for a short term permit for excavation and removal of...
tons/mds./C. ft. of.....
from under rule 57 of Rajasthan
Minor Mineral Concession Rules, 19....., and has paid an appli-
cation fee of Rs. 5/-and has also paid royalty in advance amounting
to Rs.(a)..... per md./C. ft./tons. Permission is
hereby granted for removal of..... of tons/mds./
C. ft. of from the aforesaid area, subject to
the conditions printed overleaf.

This permission shall be valid up to
.....

Designation.

Conditions.

1. The holder of the permit shall keep the Government indemnified from any third party claim and shall settle such claim on his own as soon as it arises.

2. The holder of the permit shall excavate the mineral in such a manner as not to disturb or damage any road, public ways, building, premises or public grounds.

3. The holder of the permit shall either fill up the excavation or suitably fence it for safety if instructed by the Mining Engineer/ Assistant Mining Engineer.

RAJASTHAN MINES MINERAL CONCESSION RULES, 1959

Industries & Mines (B) Department

NOTIFICATION

Jaipur, January 7, 1963.

No. F. 3 [4] [22] Ind. B/61.—In exercise of the powers conferred by sub-section 1] of section 15 of the Mines and Minerals [Regulation and Development] Act, 1957 [Central Act 67 of 1957], the State Government hereby makes the following amendments in the Rajasthan Minor Mineral Concession Rules, 1959, hereinafter referred to as the said Rules, namely:—

AMENDMENTS

1. In rule 17 of the said Rules:—

[a] in clause [21], after the words from the date of receipt of notice”, the words and commas and to forfeit the security” shall be interested; and

[b] in clause [22], after the words “take possession of the premises”, the words “and forfeit the security-money” shall be inserted.

2. In rule 36 of the said Rules, after clause [9], the following new clause shall be inserted, namely:—

[10] If the provisionally selected bidder fails to deposit the security-money as required by clause [7] of this rule, the earnest money deposited under clause [4] of this rule shall be forfeited to the Government.

3. In rule 37 of the said Rules,—

[a] in clause [6], after the words “The tenderer who is provisionally selected shall” the commas and the words “within two days of the opening of the tender”, shall be inserted; and

[b] after clause [8], the following new clause shall be inserted, namely:—

[9] If the provisionally selected tenders fails to deposit the security-money as required by, and within the time specified in, clause [6] of this rule, and the earnest money deposited under clause [3] of this rule shall be forfeited to the Government.

4. In Schedule I to the said Rules, in clause 4 of the Model Agreement:—

[a] in sub-clause [21], after the words comma "from the date of receipt of notice" the words and comma "and forfeit the security money" shall be inserted; and

[b] in sub-clause [22], after the words "the Government may", the words and comma "forfeit the security money" shall be inserted.

By Order of the Governor,
A.K. ROY,
Secretary to the Government.

Industries & Mines (B) Department NOTIFICATION

Jaipur, December , 1962.

No. F. 3 [4] [23] Ind [B] 61.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development Act, 1957 (Central Act 67 of 1957) the State Government hereby makes the following amendments in the Rajasthan Mineral Concession Rules, 1959, hereinafter referred to as the said Rules, namely:—

"AMENDMENTS

In Schedule III appended to the said Rules, for—

"Director of mines and Geology.	17[21]: Powers to determine lease.	Full powers for leases granted by him.
Mining Engineers of Mines Department.	-do-	Full powers for leases granted by them.
Asstt. Mining Engineers of Mines Department.	-do-	-do-

the following entries shall be substituted, namely:—

Director of Mines and Geology.	17[21]: Powers to determine lease, enter upon the area leased, distrain all or any of the minerals or movable property therein and to carry away, detain or order the sale of the property so distrained.	Full powers for leases granted by him.
--------------------------------	---	--

Mining Engineers of Mines Depart- ment.	-do-	Full powers for leases granted by them.
Asstt. Mining Engi- neers of Mines De- partment.	-do-	-do-

By Order of the Governor
A.K ROY,
Secretary to the Government.

[Pub. in Rajasthan Gaz. Ex. 4 (Ga)—Dt. 2-7 63 Page 922]

Industries & Mines (B) Department

No. F 3 (4) (41) Ind(B)/60.

Dated Jaipur, the 5th Feby, 1963.

NOTIFICATION

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendments in the Rajasthan Minor Mineral Concession Rules, 1959 namely:—

AMENDMENTS

Substitute the following for sub-rule (6) of rule 36 of the M.M.C.R., 1959.

(6) No mining lease or royalty collection contract the value of Rs. 10 000/- or less, recording at fall exceeding 25% and similar lease or Royalty Collection Contract of the value of more than Rs. 10,000/- recording a fall exceeding 10% in the amount of dead-rent or contract in comparison with that of previous lease or contract in the same area, shall be accepted without the prior approval of Government.

Substituted the following for sub-rule (5) of rule 37 of the M.M.C.R. 1959.

(5) No tender for mining lease or royalty collection contract of the value of Rs. 10,000/- or less, recording a fall exceeding 25% and similar tender for mining lease or Royalty Collection Contract of the value more than 10,000/- recording a fall exceeding 10% in the amount of deadrent or contract in with that of previous lease or contract in the same area, shall be accepted without prior approval of the Government.

By Order of the Governor,
(A.K. ROY)

Secretary to the Government.

[Pub. in Rajasthan Raj-patra Part IV (c) Dt. 14-3-63 at Page 1050]

Notification No. F 3 (4) (12) Ind. (B)/62—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following amendments to the Rajasthan Minor Mineral Concession Rules, 1959, namely :—

AMENDMENTS

In rule 4 of the said rules :—

(1) (a) for the existing clause (a), the following new clause shall be substituted, namely :—

(a) “excavation ordinary clay including brick making clay, Bajri, sand and building stone except Parties, Katlas and slabs from areas which are not the working pits of a lessee shall be free of any rent, royalty or permit fee; and”

(b) for the word “Cultivator” wherever it is used in rule 1, the word “tenant” shall be substituted;

(c) for the explanation to clause (b) the following explanation shall be substituted, namely :—

“explanation—tenant in this rule includes agricultural workers and artisan” ;

(d) at the end of the rule before explanation of tenant, the following may be added “and provided that no royalty shall be charged on clay used by the potters for earthen ware pots.”

2. In the model agreement for collection of royalty on minor minerals for the existing clause 10, the following clause shall be substituted; namely :—

“10 no royalty shall be charged on the minor minerals removed by a tenant as provided in rule 4 of the Rajasthan Minor Mineral Concession Rules, 1959”.

“Rajasthan Gazette, Part IV (Ga) dated 22-8-1963. Industries (B) Department Page 154)

Notification No. F. 3 (4) (14) Ind. (B)/60.—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Mineral (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendment in the Rajasthan Minor Mineral Concession Rules, 1959 :—

AMENDMENT

In Schedule III add the following Note at the end :—

“The Joint Director, Mines & Geology Department shall enjoy the same powers as the Director of Mines & Geology

under the various provisions of the Rajasthan Minor Mineral Concession Rules, 1959 as described above."

This issues with the concurrence of Finance Department (Exp.) I vide their No. ID-1068 dated 23-2-63.

[Rajasthan Gazette—Part IV (Ga)-dated 22-8-63—Page 154].

Notification No. F. 3 (7) (21) Ind. (B)/63.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957), the Government of Rajasthan makes the following amendments to the Rajasthan Minor Mineral Concession Rules, 1959, namely:—

AMENDMENT

Amendment of 'Standard Form of Mining Lease for Minor Minerals' Schedule IV:—

Para 4 (18) of the Standard Form may be substituted as under :—

"4(18). *Liberty to determine the lease:*—The Lessee/Lessees may at any time determine this lease by giving not less than 6 calendar months Notice in writing to the State Government or to such Officer or Authority as the State Government may specify in this behalf and upon the expiration of such Notice, provided that the lessee/lessees shall upon such expiration render and pay all rents, water rates, royalties, compensation for damages and other moneys which may then be due and payable under these presents to the Lessor or any other person or persons and shall deliver these presents to the Director and then this lease and the said term and the liberties, powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the Lessor in respect of any breach of any of the covenants or agreements contained in its presents".

[Rajasthan Gazette Part. IV (Ga), dated 22-8-1963 Page 155]

Notification No. F. 4 (iii) (3) Ind (B)/63.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act LXVII of 1957) the State Government hereby makes the following amendments to the Rajasthan Minor Minerals Concession Rules, 1959, hereinafter referred to as the said rules namely:

AMENDMENTS

In the said rules, after clause (b) in rule 5 the following new clause may be inserted namely:—

“(c) No Mining lease shall be granted in any area which is a colony within the meaning of Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954) unless the applicant produces a ‘no objection certificate’ from the Commissioner or the Collector, under the said Act”.

[Rajasthan Gazette, Part IV (Ga.), dated 19-9-63, Page 315].

Notification No. F 3 (4) (3) Ind / (B) / 62.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendment to the Rajasthan Minor Mineral Concession Rules, 1959, namely:—

AMENDMENT

In the said rule, in rule 30, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The Mining Engineer or Assistant Mining Engineer of the Department may fix rent inclusive of royalty at a rate not less than Rs. 2/- and not more than Rs. 10/- per month in respect of those areas which are outside the areas coming under Royalty collection contracts and which do not measure more than 20 feet by 25 feet.”

[Industries and Mines ‘B’ Department Notification-dated 16-12-63-published in Rajasthan Gazette-Part IV (Ga.)-dated 20-2-64 Page 671 (38)]

Industries (B) Department

Jaipur, May 14, 1965.

Notification No. F. 4 (3) (2) Ind. (B) / 65.—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act, 67 of 1957), the State Government hereby makes the following amendments to the Rajasthan Minor Mineral Concession Rules, 1959, namely:—

AMENDMENTS

In the said rules,—

(1) for rule 28 the following rule shall be substituted, namely:—

28. (1) *Period of rent cum-royalty lease.*—A rent-cum-royalty lease may be granted for a period of two years unless the applicant himself desires a shorter period. Such rent-cum-royalty lease may be renewed by the Mining Engineer or Assistant Mining Engineer of the department from time to time for further period, each of which shall not exceed the original period granted. Rent may be revised by the Mining Engineer/ Assistant Mining Engineer at the time of each renewal and

Raj. Minor Mineral Concession Rules, 1959

royalty shall be charged at the rates in force at the time of each renewal.

(2) The application for renewal of the period of lease will only be entertained if it is made before three months of the expiry of each period of lease originally granted or renewed from time to time.

(3) In schedule IV, in sub-clause (c) of clause (4) of the standard form of Rent-cum-Royalty lease for Minor Minerals, for the figures "30" the figures "15" shall be substituted.

[Pub. in Raj. Gaz 4 (Ga)-Dt. 17-6-65—Page 240 (19)]

Industries & Mines (B) Department

Jaipur, June 8, 1965.

Notification No. F. 4 (i) (24) Ind. (B) 63/4345 :—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendments to the Rajasthan Minor Mineral Concession Rules, 1959 namely:—

AMENDMENTS

In the said rules, in Schedule IV, in paragraph (4) of the Standard Form of Rent-cum-Royalty Lease for Minor Minerals.

(i) Sub-paragraph (c) shall be re-lettered as sub-paragraph (d) and

(ii) before sub-paragraph (d) as so re-lettered, the following new sub-paragraph shall be inserted, namely:—

“(c) The lease may be determined by the Mining Engineer/Assistant Mining Engineer if the dues on account of royalty are not paid by him to the Royalty collection contractor of the area; after giving 15 days notice to clear the dues”

[Pub. in Raj. Gaz. 4 (Ga)—Dated 22-7-65—Page 251.]

INDUSTRIEL & MINES (B) DEPARTMENT

Jaipur, October 7, 1965

Notifications No. F. 3 (4)(9) Ind. (B) 62/6211.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendment to the Rajasthan Minor Mineral Concession Rules, 1959, namely :—

AMENDMENT

In the said rules, for Schedule I, the following Schedule shall be substituted, namely :—

Building Stone.

(a) Ashlar and sized dimensional stone.

(i) Rs. 1.50 nP, per tonne in the range of Rs. 1.25 nP. to Rs. 1.75 nP.

(ii) Rs. 4.25 nP. to Rs. 22.00 nP. per cubic meter.

(iii) Rs. 0.10 nP. to Rs 0.55 nP. per sq. meter.

(iv) Average quantity.

In a cart drawn by 2 bullocks 0.50 nP.

In a cart drawn by 4 bullocks 1.00 nP.

Rs. 1 50 nP. for 1½ tonnetruck.

Rs. 3.00 nP. for 3 tonne truck.

Rs. 5.00 nP. for 5 tonne truck.

Carried by one donkey. 0.12 nP.

Carried by one camel 0.37 nP.

One buffalo at the option of the lessor 0.25 nP.

(b) Masonary stones including Khandas, Boulder, Shingle etc.

(i) 0.30 nP. per tonne.

(ii) 0.42 nP. per cubic meter.

(iii) Average quantity

In a cart drawn by 2 bullocks. 0.12 nP.

In a cart drawn by 4 bullocks. 0.25 nP.

1½ tone truck. 0.37 nP.

2 tone truck. 0.75 nP.

5 tone truck. 1.25 nP.

Carried by one camel. 0.09 nP.

Carried by one donkey. 0.02 nP.

Carried by one buffalo

at the option of the

lessor. 0.06 nP.

2. *Lime stone*

(a) Lime stone for lime burning 0.20 nP.

per quintal,

Lime 0.30 nP. „

Kachra Lime 0.10 nP. „

(b) Other purposes coloured
Lime stone.

(i) 4.30 nP. per cu. meter.

(ii) 1.70 nP. per sq. meter.

(iii) 10% of the sale value at
pits mouth at, the opt-
ion of the lessor.3. *Marble.*

(1) Makrana.

(a) Marble use for lime burning	Rs. 0.20 p. per	quintal.
(b) Marble dressed, carved and rough	Rs. 2.72 p.	-do-
(c) Marble slabs	Rs. 1.40 p.	-do-
(d) Marble chips, Fine Powder, Khandas and Ballast	Rs. 0.35 p.	-do-
(e) Course powder of not more than 20 mesh.	Rs. 0.16 p.	-do-
(f) <i>Marble tiles</i>		
(i) Machine made	Rs. 0.70 p.	-do-
(ii) Hand made	Rs. 0.37 p.	-do-
(2) <i>Other inferior marble.</i>		
(a) Marble used for lime burning	Rs. 0.20 p. per	quintal.
(b) Marble dressed, craved & rough	Rs. 1.40 to 2,75	-do-
(c) Marbles slabs	Rs. 1.40 p.	-do-
(d) Marble chips, fine powder, Khanda and Ballast.	Rs. 0 35 p	-do-
(e) Course powder of not more than plus 20 mesh.	Rs. 0.16 p. per	quintal.
(f) <i>Marble tiles</i>		
(i) Machine made	Rs. 0.70 p.	-do-
(ii) Hand made	Rs. 0 37 p.	-do-
4. <i>Kankar Bajri & Jhajra stones</i>	Rs. 0.30 p. per	tonne
5. <i>Bricks Earth.</i>		

Note—For the conversation number of bricks obtained from one tonne of brick earth the following factor should be used 1000 bricks of standard size to 4 tons of brick earth

	Rs. 0.30 p. per	tonne.
6. <i>Fuller's earth</i>		
(a) For existing leases	Rs. 27.00 per	tonne.
(b) For new leases		
(i) In case of fuller's earth diposits which are situated within 20 miles from the nearest railway station.	Rs. 27.00 p. per	tonne.

- (ii) In case of such deposits which situated beyond 20 miles but within 50 miles from the nearest railway station. Rs. 15 00 per tonne.
- (iii) In case of such deposits which are situated more than 50 miles from the nearest railway station. Rs. 10 00 per tonne.
- (e) Waste fuller's earth. (Powder form) Rs. 0.68 p. per tonne.

7. Bentonite Rs. 15.00 per tonne.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 9-12-65—Page 461]

Industries and Mines (B) Department

Jaipur, June 10, 1966

Notification No. F. 2(8) (20) Ind (B) 63.—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) the State Government, hereby makes the following amendment to the Rajasthan Minor Mineral Concession Rules, 1959, namely:—

AMENDMENT

For Sub-item (c) of item No. 6, of the Schedule I of the said rules the following shall be substituted:—

“(c) Waste Fullers Earth (powder form) including pieces of up to 2” x 2” Rs. 13.50 Paise per tonne”.
(Powder form including pieces of up to 2” x 2”).

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 14-7-66—Page 231]

Industries & Mines (B) Department

Jaipur, June 10, 1966

Notification No. F 4 (3) (11) Ind (B) 63.—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following amendment to the Rajasthan Minor Mineral Concession Rules, 1959, namely:—

AMENDMENT

For sub-item (c) of item No. 6 of the Schedule I of the said rules, the following shall be substituted:—

“(c) Waste Fullers Earth (powder Rs. 13.50 paise form) including pieces of per tonne” up to 2” x 2”

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 22-9-66 Page 321]

Notifications under

THE RAJASTHAN MINOR MINERAL CONCESSION RULES, 1959.

Published in Raj. Raj-patra part IV (c) dated July 14, 1960 at page 147

Industries Mines & Labour Department

NOTIFICATION

Jaipur, January 25, 1960.

No. D. 3633/F. 3 (4) (1) Ind B/60.—In pursuance of the powers conferred by Rule 21 of the Minor Mineral Concession Rules, 1959, it is hereby notified for the information of the general public that:—

1. rent-oum-royalty leases shall be granted in respect of the areas of all minor minerals which were or are held under annual mining leases under the Minor Mineral Concession Rules, 1955 and are lying free or shall hereafter become free;
2. the area of any such rent-oum-royalty lease shall not exceed 200 ft. × 200 ft; and
3. the number of such leases, which can be granted to any one person shall not exceed five.

M. L. SETHI,
Director of Mines & Geology,
Rajasthan, Udaipur.

Published in Raj. Raj-patra part IV (c) dated August 11, 1960 at page 230- 231

Industries (B) Department

NOTIFICATION

Jaipur, July 19, 1960.

No. D. 3789/F. 7 (45) Ind. (B) 60/6071.—In exercise of the powers conferred by rule 5 (a) of the Rajasthan Minor Mineral Concession Rules, 1959 the State Government hereby directs that no mining lease shall be granted in Jaipur Division in respect of the following minor minerals, namely:—

1. Bajri.
2. Morrium.
3. Kankar.
4. Morinda Mithi.
5. Bricker earth.
6. Jhanjhara Kankar except Jhanjhara Kankar Beedkalan, Jhunjbunu.

By Order of the Governor,
Z. S. JHALA,
Secretary to the Government.

Notifications under

**MINES AND MINERALS (REGULATION AND DEVELOPMENT)
ACT, 1957.**

Published in Raj. Raj-patra part IV (c) at page 29-30

ORDER

Jaipur, March 15, 1960.

No. D 14214/F3 (4) (48) Ind (B)/59.—In exercise of the powers conferred by sub-section (2) of section 26 of the Mines and Minerals (Regulation and Development) Act 1957 (Central Act No. 67 of 1957), the State Government hereby directs that the following powers exercisable by it, and specified in column 2, under the provisions of Mineral Concession Rules, 1949, specified in column 3 belowe, shall be exercisable also by the Director of Mines and Geology, Rajasthan, Udaipur.

S.No. 1	Powers 2	Rule 3
1.	Grant of Certificate of Approval	5
2.	Grant of prospecting licence for major minerals other than specified minerals when there is only one party and where the question of determination of priority is not involved.	
3.	Extension of time limit for execution of agreements not exceeding 2 months in cases 17 (A) of prospecting Licences.	
4.	Grant of Mining lease for major minerals other than specified minerals.	24
5.	Extension of time limit for execution of agreements not exceeding 3 months in cases of Mining lease.	28 (A)

By Order of the Governor,
Z. S. JHALA.
Secretary to the Government.

Published in Raj.Raj-patra part I (b) dated September 10, 1959 at page 293

Industries, Mines & Labour Department (B)

ORDER.

Jaipur, July 31, 1959.

No. D. 6178/F. 3 (4) (22) Ind. (B)/59.—In exercise of the powers conferred by section 22 of the Mines and Minerals (Regulation & Development) Act, 1957 (67 of 1957), the State Government hereby authorises the following persons to make complaints in respect of any offence punishable under the said Act:—

2] Noti. under Mines and Minerals (Regulation and Development) Act, 1957.

- | | |
|----------------------------------|--------------------------------|
| 1. Director of Mines & Geology. | For whole of Rajasthan |
| 2. Dy. Director (Administration) | -do- |
| 3. Mining Engineers | In their respective Divisions. |
| 4. Asstt. Mining Engineers | In their Sub-Divisions. |

By Order of the Governor,
A. K. ROY,
Secretary to the Government

Notifications under

Mines & Minerals (Regulation & Development) Act, 1957.

Published in Raj, Raj-patra part IV (c) dated July 13, 1961 at page 161 :

Jaipur, June 13, 1961.

No.F. 3 (4) (48)Ind.(B) 59-3710.—In exercise of the powers conferred by section 26 (2) of the Mines and Minerals (Regulations and Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby directs that the power to grant or renew a certificate of Approval in the prescribed form under section 5 (1) (a) of the said Act may also be exercised by any Mining Engineer or Assistant Mining Engineer in the State.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Rules and Notifications under

MINIMUM WAGES ACT, 1948. (CENTRAL ACT
No, 11 OF 1948)

THE RAJASTHAN GOVERNMENT MINIMUM WAGES RULES, 1951.

Labour Department.

NOTIFICATION.

Jaipur, September 2, 1953.

No. F. 15 (2) Lab./50.—In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan is pleased to make the following rules, the same having been previously published as required by section 30 of the said Act.

CHAPTER I.

Preliminary.

1. *Short title and extent* (1) These Rules may be called the Rajasthan Minimum Wages Rules, 1951.

Notes

The Minimum Wages Act, 1948 provides for fixing minimum rates of wages in certain employments. Section 30 of the Act authorises the State Government to make rules for carrying out the purposes of the Act. Without prejudice to the generality of this power such rules are required to provide for, namely—

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the committees, sub-committees and the Advisory Board;

(b) prescribe the method of summoning witnesses, production of documents relevant to the subject matter of the enquiry before the committees, sub-committees and the Advisory Board;

(c) prescribe the mode of computation of the cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates;

(d) prescribe the time and conditions of payment of, and the deductions permissible from, wages;

(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate the scale of costs that may be allowed in proceedings under section 20;

These Rules have been first published in Rajasthan Raj-patra Dated October 31, 1953 in part IV (b) at page 101:

(2) They extend to the State of Rajasthan.

2. *Interpretation.*—In these rules, unless the context otherwise requires—

- (a) 'Act' means the Minimum Wages Act, 1948;
- (b) 'Advisory Committee' means an advisory committee appointed under section 6 and includes an Advisory Sub-Committee appointed under that section;
- (c) 'Authority' means the authority appointed under sub-section (1) of Section 20;
- (d) 'Board' means the Advisory Board appointed under section 7;
- (e) 'Chairman' means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9;
- (f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes sub-committee appointed under that section;
- (g) 'Form' means a form appended to these rules;
- (h) 'Inspector' means a person appointed as Inspector under section 19;
- (i) 'Registered Trade Union' means a trade union registered under the Indian Trade Unions Act, 1926;
- (j) 'Section' means a section of the Act; and
- (k) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER II.

Members and staff, and Meetings of the Board, Committee and Advisory Committee.

Notes

Section 6, 7 and 9 of the Act provide for the appointment by State Government of Advisory Committees, Sub-Committees and Advisory Board for the purpose of the Act.

6. Omitted.

7. For the purpose of co-ordinating the work of committees and sub-committees appointed under sections 5 and advising the appropriate Government generally in the matter of fixing and revising minimum rates of wages, the appropriate Government shall appoint an Advisory Board.

9. Each of the committees, sub-committees, and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

The rules under Chapter II prescribe the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Committees, Sub-Committees, advisory Committees, advisory Sub-Committees and the Advisory Board referred to in Sections 6, 7 and 9.

3. *Term of office of the members of the Committee and the Advisory Committee.*—The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board, shall be two years commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official members of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the State Government.

5. *Travelling allowance.*—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the rules of the State Government.

6. *Staff.*—(1) The State Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. *Eligibility for renomination of the members of the Committee, Advisory Committee and the Board.*—An out-going member shall be eligible for renomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. *Resignation of the Chairman and the Members of the Committee, Advisory Committee and the Board and filling of casual vacancies.*—(1) A member of the committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the State Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee or the Board, the Chairman shall submit a report to State Government immediately. Government shall then take steps to fill the vacancy.

9. *Cessation and restoration of membership* —(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall, subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification* —(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be.—

(i) if he declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arise whether a disqualification has been incurred under sub-rule (1) the decision of the State Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. *Notice of meetings.*—(1) The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing

the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

13. *Chairman*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member, by a majority of votes, who shall preside at such meeting.

14. *Quorum*.—No business shall be transacted at any meeting unless at least one third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of the members present.

15. *Disposal of business*.—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and securing written opinion of the members :

Provided further that no decision on any question which is referred under the first proviso shall be taken, unless supported by not less than two-thirds majority of the members.

16. *Method of voting*.—Voting shall ordinary be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting*.—(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the State Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III.

Summoning of witnesses by the Committee, Advisory Committee and the Board and Production of Documents.

Notes

The rules under Chapter III prescribe the method of Summoning witnesses, production of documents relevant to the subject matter of the enquiry before the committees, advisory sub-committees and the Advisory Board referred to in section 6, 7 and 9 of the Act.

18. *Summoning of witness and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.

(3) A summons under this rule may be served—

- (i) in the case of an individual, by being delivered or sent to him by registered post ;
- (ii) in the case of an employers' organisation or a registered trade union of workers by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witness.*—Every person who is summoned and appears as a witness before the Committee, the Advisory Committee, or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

Computation and Payment of Wages, hours of work and holidays.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be in accordance with such directions as may be issued by the State Government from time to time.

Notes

This rule has been framed as required under sub-section (4) of section 11 of the Act. Section 11 of the Act reads as under:—

- (1) Minimum wages payable under this Act, shall be paid in cash.

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case, may, by notification in the official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate Government is of the opinion that provision should be made for the supply of essential commodities at concession rates, the appropriate Government may, by notification in the official Gazette, authorise the provision of such supplies at concession rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner.

21 *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid before the expiry of the seventh day after the last day of the wage period.

(ii) When the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely :—

(i) Fines;

Provided that no fines shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer with the previous approval of the State Government may have specified.

Notes

In sub-rule (2) of rule 21 the proviso as appearing now has been newly added vide Labour Department amending notification No. F. 15 (2) Lab./50 dated 17/1/55, published in Rajasthan Rajpatra part IV (c) dated 12/2/55.

(ii) deductions for absence from duty ;

(iii) deduction for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the State, may by general or special order authorise.

Explanation.—The word ‘amenities and services’ in this clause does not include the supply of tools and protectives required for the purposes of employment.

(vi) deductions for recovery of advances or for adjustment of overpayments of wages :

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the earned in that month.

(vii) deductions of income tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income Tax Act, 1922, or any provident fund approved in this behalf by the State during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the State.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

Provided that the total amount of fine imposed in any one wage period on an employed person shall not exceed 3 1/8 % of the wages payable to him in respect of that period and further that the amount of deduction for damage to or loss of goods caused by an employed person shall not exceed the amount of the damage or loss caused to the employer.

Notes

The proviso appearing in sub-rule (3) of Rule 21 has been newly added vide the same notification as referred to above in sub-rule (2).

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the State. All such deductions and all realisation thereof shall be recorded in a register maintained in form I, II and III as the case may be. A return in form III shall be submitted annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the State Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936.

22. *Publicity to the minimum wages fixed under the Act.*—

Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and

address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all sub-divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted the by State Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day for which he shall receive payment equal to his average daily wages during the preceding week :

Provided that the weekly holiday may be substituted by another day :

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. *Number of hours of work which shall constitute a normal working day.*—(1) No adult worker shall be required or allowed to work in a scheduled employment for more than nine hours in a day and forty eight hours in any week.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than ten and a half hours in any day:

Provided that the Inspector may, for reasons to be specified in writing increase the spread over to twelve hours.

(4) No child shall be employed or permitted to work for more than four and half hours on any day.

(5) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government.

(6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the State Government.

Notes

The rules 21, 23 and 24 have been framed in pursuance of section 13 of the Act which provides as under;—

(1) In regard to any scheduled employment minimum rates of wages in respect of which have been fixed under this Act, the appropriate Government may—

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;

(c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

(2) The provisions of sub-section (1) shall, in relation to the following classes of employees apply only to such extent and subject to such conditions as may be prescribed:

(a) employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented;

(b) employees engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which for technical reasons has to be completed before the duty is over;

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.

(3) For the purposes of clause (c) of sub-section (2) employment of an employee is essentially intermittent when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employee, or if there be no daily hours of duty as such for the employee, the hours of duty normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention.

25. *Extra wages for overtime*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages—

(a) in the case of employment in Agriculture, at one and a half times the ordinary rate of wages;

(b) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression “ordinary rate of wages” means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed, of foodgrains and other articles as the person employed is, for the time being, entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

Notes

Sub-Section (1) of Section 14 provides that, “Where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher.

This rule prescribes the over-time rate as required under the sub-section.

26. *Form of registers and records.*—(1) A Register of : Wages shall be maintained by every employer and kept in such form as may be notified by the State Government and shall include the following particular :—

- (a) The gross wages of each person employed for each wage period;
- (b) all deductions made from wages, with an indication, in each case, of the kinds of deduction mentioned in sub-rule (2) of rule 21;
- (c) the wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the State Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wage book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the Employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

Notes

The rule prescribes the form and registers and records as required under Section 18 of the Act which reads as under :—

(1) Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars and in such form as may be prescribed.

(2) Every employer shall keep exhibited, in such manner as may be prescribed, in the factory, workshop or place where the employees in the scheduled employment may be employed, or in the case of out-workers in such factory, workshop or place as may be used for giving out-work to them, notices in the prescribed form containing prescribed particulars.

(3) The appropriate Government may, by rules made under this Act, provide for the issue of wage books or wage slips to employees employed in any scheduled employment in respect of which minimum rates of wages have been fixed and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent.

CHAPTER V.

Claims under the Act.

Notes

The rules under this Chapter prescribe matters as required under section 21 and 21 of the Act.

20. (1) The appropriate Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region or any officer of the State Government not below the rank of Labour Commissioner or any other officer with experience as a Judge of a civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specified

area all claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 to employees employed or paid in that area.

(2) Where an employee has any claim of the nature referred to in sub-section (1) the employee himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of the Authority appointed under sub-section (1), may apply to such Authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages or other amount became payable;

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer or give them an opportunity of being heard, and after such further inquiry if any as it may consider necessary, may without prejudice to any other penalty to which the employer may be liable under this Act, direct—

- (i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;
- (ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

(4) If the Authority hearing an application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

- (a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate, or
- (b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents and every such Authority shall be deemed to be a civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

21. (1) Subject to such rules as may be prescribed, a single application may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess or ten rupees per head, as the case may be.

(2) The Authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub-section shall apply accordingly.

27. *Application*.—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf an employed person or group of employed persons, shall be made in duplicate in Form VI and VII, as the case may be.

28. *Authorisation*.—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties*.—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear, before him on a specified date with all relevant documents and witnesses if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may hear and determine the application *ex parte*.

(3) If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be re-heard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

Scale of Costs in Proceedings under this Act.

30. *Costs*.—(1) The Authority, for reasons to be recorded in writing, may direct that the costs of any proceedings pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

- (i) expenses incurred on account of court fees;
- (ii) expenses incurred on subsistence money to witnesses and;
- (iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents the Authority, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. *Court fees.*--The Court fee payable in respect of proceeding under section 20 shall be--

(i) for every application to summon a witness--One rupee in respect of each witness;

(ii) for every application made by or on behalf of an individual--One rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable--

(a) from person employed in Agriculture; or

(b) in respect of an application made by an Inspector.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

FORM I
Register of Fines.
[Rule 21 (4)]

.....Employer.....

Serial No.	Name.	Father's/ Husband's name	Sex	Department.	Nature and date of the offence for which fine imposed.	Whether work- man showed cause against fine or not. If, so, enter date.	Rate of Wages	Date and amount of fine imposed.	Date on which fine realised.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM II
[Rule 21 (4)]

Register of deductions for damage or loss caused to the employer, by the neglect or default of the employed persons.

.....Employer.....

Serial No.	Name.	Father's/ Husband name,	Sex.	Department.	Damage or loss caused, with date	Whether work- er showed cause against deduc- tion if so, enter date.	Date and amount of dedu- ction imposed.	Numbers of instalments, any.	Date on which total amount realised.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM V

[Rule 26 (5)] Muster Roll.

Name of Establishment... Place.....

S. N.	Name,	Father's/husband's name.	Sex.	Nature of work	
For the period ending.....					Remarks.
1	2	3	4	5	

FORM VI

[FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20 (2)]

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for..... ..Area.

Application No. _____ of 19.

(1) } Applicant(s)
(2) }
(3) }

(througha Legal Practitioner
.....official of..... ..Union which
is a registered Trade Union).

Address

Versus

(1) }
 (2) } Opponents.
 (3) }

Address

The applicant(s) above named beg(s) respectfully to submit as follows:—

(1) that

(2) that

The applicant(s) has (have) been paid wages at less than the minimum rate of wages.

The applicant(s) estimate(s) the value of the relief sought by him (them) at the sum of Rs

The applicant(s) pray(s) that a direction may be issued under sub section (3) of section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(b) Compensation amounting to Rs.....

The applicant(s) beg(s) leave to amend or add to or make alterations in the application if any and when necessary.

Date..... *Signature or thumb impression of the employee(s), legal practitioner or official of a registered trade union duly autho-rised.

The applicant(s) do(es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed aton..... day of.....19 .

Signature or thumb impression of the
employee(s) or legal practitioner or
official of a registered trade union duly
authorised.

When the application is by a group of employees, the thumb impression or signature of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VII

[FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH
THE PERMISSION OF THE AUTHORITY UNDER SECTION 20 (2)]

In the Court of the Authority appointed under the Minimum
Wages Act, 1948, forArea.

Application No. of 19 .

(1).....Applicant.

Address

Versus

(1).....Opponent.

Address

The applicant above named begs respectfully to submit as follows:—

(1) that

(2) that

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees:—

(1)

(2).....

(3).....

The applicant estimates the value of the relief sought for the at the sum of Rs

The applicant prays that a direction may be issued under subsection (3) of section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(b) Compensation amounting to Rs

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date..... .

Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed aton.....day.....19 .

FORM VIII

[FORM OF AUTHORITY IN FAVOUR OF A LEGAL PRACTITIONER OR ANY
OFFICIAL OF A REGISTERED TRADE UNION REFERRED TO IN
SECTION 20 (2)]

In the Court of the Authority appointed under the Minimum
Wages Act, 1948, for Area.

Application No. of 19 .
(1) }
(2) } Applicant(s)
(3) }
Versus
(1) }
(2) } Opponent(s)
(3) }

I hereby authorise Mr.....a legal practitioner an official
of the registered trade union of... ..to appear and act on my
behalf of the above-described proceeding and to do all things inci-
dental to such appearing and acting.

Date.....

Signature or thumb impression of the
employee.

FORM IX

[FORM OF SUMMONS TO THE OPPONENT TO APPEAR BEFORE THE AUT-
HORITY WHEN AN APPLICATION UNDER SUB-SECTION (2) OF SECTION 20
OR UNDER SECTION 21 IS ENTERTAINED].

(Title of the application)

To

.....

(Name, description and place of residence).

WHEREAS.....has made the above said application to
me under the Minimum Wages Act, 1948, you are hereby summon-
ed to appear before me in person or by a duly authorised agent, and
able to answer all material questions relating to the application, or
who shall be accompanied by some person able to answer all such
questions, on the.....day of.....19.....at.... .
o'clock in the.....noon, to answer the claim; and as the day
fixed for the appearance is appointed for the final disposal of the
application, you must be prepared to produce on that day all
the witnesses upon whose evidence and all the documents upon
which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day
before mentioned, the application will be heard and determined in
your absence.

Date.....

Signature of the Authority.

Notifications under

MINIMUM WAGES ACT, 1948

Published in Raj. Raj-patra Vol. 3 No.183 Dated 22-8-52 at page 1166

Jaipur, March 19, 1952

No. 433/Lab.—In exercise of the powers conferred by section 20 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan is pleased to appoint the Commissioner for Workmen's Compensation, Rajasthan, as the 'Authority' to hear and decide for the whole of Rajasthan all claims arising out of payment of less than the minimum rates of wages to employees employed or paid in Rajasthan.

By Order of
His Highness the Rajpramukh,
CHANDRA PAL SINGH
Secretary to the Government.

Published in Raj. Raj-patra Dated March 7, 1953 part I (a) at page 1079:

Jaipur, February 26, 1953.

No F. 19 (22) Lab./52.—In exercise of the powers conferred by section 3 of the Minimum Wages Act, 1948 (Act No. XI of 1948), the Government of Rajasthan has been pleased to fix the following minimum rates of wages for time work in respect of employment in agriculture :—

- (a) An adult male worker Rs1/4/ a day inclusive of all privileges in the area.
- (b) An adult female worker Annas -/14/- a day inclusive of all privileges in the area
- (c) A child worker of or below the age of 15 years. Annas -/10/- a day inclusive of all privileges in the area

By Order of
His Highness the Rajpramukh,
CHANDRAPAL SINGH,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated May 30, 1953 part I (a) at page 208

Jaipur, May 19, 1953.

No. F. 15 (8) Lab./53.—In exercise of powers conferred by sub-clause (1) of section 19 of the Minimum Wages Act the Government of Rajasthan is pleased to appoint the Labour Officers as the Inspectors under Minimum Wages Act for the enforcement of the Act in the employment given in Schedule I of the said Act, for their respective jurisdiction.

By Order of
His Highness the Rajpramukh,
G. L. MEHRA
Secretary to the Government.

Published in Raj, Raj-patra Vol. 3 part II at page 1128:

Jaipur, February 11, 1952.

No. 4089/Lab—In pursuance of sub-section (c) of section 2 of the Minimum Wages Act, 1948, (XI of 1948) the Government of Rajasthan is pleased to appoint Shri Nemi Chand Jain, Labour Statistical Officer, Rajasthan, Jaipur as 'Competent Authority' to ascertain from time to time the cost of living index applicable to the employees employed in the employments specified in the following schedule:—

1. Woolen Carpet making or Shawl Weaving industries.
2. Rice Mill, Flour Mill or Dal Mill.
3. Tobacco (including bidi making) manufactory.
4. Oil Mill.
5. Local Authority.
6. Road construction or building operations.
7. Public Motor Transport.
8. Agriculture.

By Order of
His Highness the Rajpramukh
CHANDRA PAL SINGH,
Secretary to the Government.

Published in Raj, Raj-patra Dated March 27, 1957 part I at page

Labour Department
NOTIFICATION.
Jaipur, March 24, 1952.

No 433/Lab.—In exercise of the powers conferred by section 5 (1) (b) of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint an *ad hoc* Committee consisting of the following members to fix up the rates of minimum wages for the first time in the Scheduled employments:—

1. The Labour Commissioner, Jaipur (Convenor).
2. The Director of Industries & Commerce, Jaipur.
3. The Chief Engineer, Roads & Buildings, Jaipur.
4. The Transport Commissioner, Jaipur.
5. The Director of Local Bodies, Jaipur.
6. The Mining Engineer, Jaipur Division, Jaipur.

By Order of
His Highness the Rajpramukh,
CHANDRAPAL SINGH,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated March 29, 1952 part I at page 1173-74

Government of Rajasthan

Labour Department.

NOTIFICATION.

Jaipur. March 29, 1952.

No. 902/Lab.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan after considering the advice of the Committee appointed by it under clause (a) of sub-section (1) of section 5 of the said Act, hereby fixes the minimum rates of wages specified in column 4 of the Schedule hereto annexed which shall be payable in respect of the employees employed in the employments mentioned in column 3 of the said Schedule.

SCHEDULE.

S. No.	Scheduled employment.	Employees.	Minimum Rates of Wages.
1	2	3	4
1.	Employment in any woollen carpet making or shawl weaving establishment.	For adults (male or female).	Rs. 30/- p.m. or Re. 1/2/- per day for 26 days in a month (This includes dearness allowance and all other allowances).
2.	Employment in any rice mill, flour mill or dal mill.		
3.	Employment in any tobacco (including Bidi making) manufactory.		
4.	Employment in any oil mill.		
5.	Employment under any local authority.	For adults (male).	Rs. 30/- p.m. or Rs. 1/2/- per day for 26 days in a month. (This includes dearness allowance and all other allowances.)
6.	Employment in public motor transport.		
7.	Employment on road construction or in building operations.		
8.	Employment in stone breaking or stone crushing.		
9.	Employment in any mica works.	For adults (female).	Rs. 20/- p.m. or Re. 1/12/- per day for 26 days in a month. (This includes dearness allowance and all other allowances).

Published in Raj. Raj-patra Dated January 2, 1954 part I at page 1049.

Labour Department.

NOTIFICATIONS.

Jaipur December 22, 1953.

No. F. 15 (17) Lab /53.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any woollen carpet making or shawl weaving establishment to inquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment.

- | | |
|---|-----------------|
| 1. The Labour Commissioner, Rajasthan, | Chairman. |
| Jaipur. | |
| 2. Director of Industries and Commerce, | Independent |
| Jaipur. | Member. |
| 3. Shri Anand Behari, Manager, East India | Employers' |
| Carpet Factory, Jaipur. | representative. |
| 4. Shri Hari Chand Golecha, Jaipur. | -do- |
| 5. Shri Prem Bhai, Deogarh (Udaipur) | Worker's repre- |
| | sentative. |
| 6. Shri Rameshwer Agarwal, Jaipur. | -do- |

Jaipur, December 22, 1953.

No. F. 15 (17) Lab./53.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan is pleased to appoint an advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any Mica Works, to inquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment:—

- | | |
|--|-------------------|
| 1. The Labour Commissioner, Rajasthan, | Chairman. |
| Jaipur. | |
| 2. The Director of Mines and Geology, | Independent |
| Rajasthan, Udaipur. | Member. |
| 3. Shri Ramesh Chandra Vyas, Bhilwara. | Worker's repre- |
| | sentative. |
| 4. M/s. Mool Chand Nemi Chand, Mandal | Employer's |
| (District Bhilwara.) | representative. |
| 5. Shri Tejmal Bapna, M. L. A. Bhilwara. | Worker's repre- |
| | sentative. |
| 6. The Secretary, Rajasthan Industrial and | Employers' repre- |
| Mining Association, Bhilwara. | sentative. |

Published in Raj. Raj-patra Dated February 13, 1954 part 1 at page 1183:

Labour Department

NOTIFICATION

Jaipur, February 2, 1954.

No. F. 15 (1) Lab./54.—In exercise of the powers conferred under sub-section (1) of section 19 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan is pleased to appoint Tehsildars as Inspectors under the Minimum Wages Act, for employment in Agriculture in their respective jurisdictions.

Published in Raj. Raj-patra Dated February 27, 1954 part 1 at page 1232:

Jaipur, February 22, 1954.

No. F. 15 (3) Lab./54.—In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to direct that the minimum rates of wages fixed for employment on road construction or in building operations under Government notification No. 902/Lab. dated 29th March, 1952 shall not apply for a period of one year to the workers employed on famine relief workers.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government

Published in Rajasthan Raj-patra Dated January 15, 1955 part 1 (a) at page 252

Labour Department

NOTIFICATION

Jaipur, January 7, 1955.

No. F. 15 (3) Lab./53-54.—In exercise of the powers conferred by clause 2 (c) of the Minimum Wages Act, 1948, the Government of Rajasthan hereby appoint the Labour Commissioner, Rajasthan, as the "Competent authority" for ascertaining the cost of living index number applicable to the employees employed in the following scheduled employments.

SCHEDULE (PART I)

1. Employment in any woolen carpet making or shawl weaving establishment.
2. Employment in any rice mill, flour mill or dal mill.
3. Employment in any tobacco (including bidi making) manufactory.
4. Employment in any plantation i.e. any estate which is maintained for the purpose of growing cinchona, rubber, tea or coffee.
5. Employment in any oil mill.
6. Employment under any local authority.
7. Employment on road construction or in building operation.

8. Employment in stone breaking or stone crushing.
9. Employment in any lac manufactory.
10. Employment in any Mica Works.
11. Employment in Public Motor Transport.
12. Employment in Tanneries & leather manufactory.

PART II.

1. Employment in Agriculture.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated March 5, 1955 part I (b) at page 757-58

Jaipur, February 25, 1955.

No. F. 16 (15) Lab./54.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any Local Authority to enquire into the conditions prevailing in this Employment and to advise the Government in making such revision in respect of this employment:—

- | | |
|---|----------------------------|
| 1. Labour Commissioner, Rajasthan. | Chairman. |
| 2. Director of Local Bodies, Rajasthan | Independent Member. |
| 3. Chairman of the Municipal Co-operation, Udaipur. | Employer's representative. |
| 4. Chairman of the Municipal Board, Bikaner. | Employer's representative. |
| 5. Secretary Jaipur Mehter Mazdoor Sangh, Jaipur | Worker's representative. |
| 6. Shri Kanwarlal Jalia M.L.A. Kota. | Worker's representative. |

Jaipur, February 25, 1955.

No. F. 16 (15) Lab./54.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any Stone Breaking and Stone Crushing and road Construction and Building Operation to enquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment.—

- | | |
|--|---------------------|
| 1. Labour Commissioner, Rajasthan. | Chairman. |
| 2. Chief Engineer, (B. & R.) Rajasthan | Independent Member. |

- | | |
|---|------------------------------|
| 3. Seth Swaroop Mal Jheomar Mal Tewari,
Jaipur. | Employers
Representative. |
| 4. Manager, Associated Stone Industries
Ltd. Ramganjmandi. | -do- |
| 5. Secretary, Lakheri Cement Kamgar San-
gh Lakheri. | Worker's
representative |
| 6. Secretary, Pather Khan Mazddoor Union
Ramganjmandi. | -do- |

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Jaipur, February 25, 1955.

No. F. 16 (15) Lab./54.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 of (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any Transport to enquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment:—

- | | |
|--|-------------------------------|
| 1. Labour Commissioner, Rajasthan. | Chairman. |
| 2. Transport Commissioner' Rajasthan or
his representative. | Independent
Member. |
| 3. Managing Director Kota Transport Ltd.
Kota. | Employer's
representative. |
| 4. Managing Director Bundi Transport
Ltd. Bundi. | -do- |
| 5. Secretary Motor Worker's Union Bundi. | Worker's repre-
sentative. |
| 6. Secretary, Motor Drivers Cleaner's
Union Bharatpur. | -do- |

Jaipur, February 25, 1955.

No. F. 16 (15) Lab./54.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 of (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any 'Rice, Flour and Dal and Oil Mills' to enquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment:—

- | | |
|---|-------------------------------|
| 1. Labour Commissioner, Rajasthan. | Chairman. |
| 2. Director of Industries and Commerce,
Rajasthan, Jaipur. | Independent
Member. |
| 3. Shri Ram Narain Vijay Oil Mills, Alwar. | Employer's
representative. |

- | | |
|---|----------------------------|
| 4. Shri Ramji Das Maroo, Manager, Shri Niwas Oil Mill, Gangapur City. | Employer's representative. |
| 5. Shri Gopilal Mittal, Kishangarh. | Worker's representative. |
| 6. Shri Chhotu Singh M. L. A. Alwar. | Worker's representative. |

Jaipur, February, 25, 1955.

No F 16 (15) Lab/54.—In exercise of the powers conferred under section 6 of the Minimum Wages Act, 1948 of (XI of 1948) the Government of Rajasthan is pleased to appoint an Advisory Committee consisting of the following members for the purpose of revising minimum rates of wages fixed under the Act for employment in any Tobacco including Biri making manufacture to enquire into the conditions prevailing in this employment and to advise the Government in making such revision in respect of this employment:—

- | | |
|--|----------------------------|
| 1. Labour Commissioner' Rajasthan. | Chairman. |
| 2. Deputy Commissioner, Customs and Excise Kota. | Independent Member. |
| 3. Prop. Prem Raj Jugal Kishore Bidi Works Kota. | Employer's representative. |
| 4. Shri Kanhyalal Murli Manohar, Bundi. | -do- |
| 5. Secretary Bidi Worker's Union Kota. | Worker's representative. |
| 6. Secretary Biri Mazdoor Worker's Union, Udaipur. | -do- |

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 9, 1955 56 part 1 (a) at page 9:

Jaipur, March 28, 1955.

No. F. 15 (3) Lab/55.—In exercise of powers conferred by section 20 (1) of the minimum Wages Act 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint the Labour Commissioner Rajasthan who is the Commissioner for workmens Compensation Rajasthan, as the "Authority" to hear and decide for the whole of Rajasthan Claims arising out of payment of less than minimum rates of wages to employees employed or paid in Rajasthan in Central undertakings.

By Order of
His Highness the Rajpramukh
G. L. MEHTA,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 14, 1956 part I (a) at page 20

English Translation

(Authorised by His Highness the Rajpramukh)

Jaipur, November 1, 1955.

No. F. 15 (11) Lab./53.—In exercise of powers conferred by section 6 of the Minimum Wages Act, 1948 (XI of 1948) and in partial modification of Labour Department's Notification No.15 (17) Lab./53, dated the 22nd December, 1953, the Government of Rajasthan hereby appoints the following members to the Advisory Committee contemplated under that notification in place of Shri Harish Chand Golecha, Jaipur, Shri Prem Bhai, Deogarh (Udaipur) and Shri Rameshwar Agarwal, Jaipur.

1. Shri N. R. Prabhakar, Manager, Krishna-Kapoor & Co. Jaipur. Employees representative.
2. Shri Ram Lal of East India Carpet Factory, Jaipur. Workers' representative.
3. Shi Gulab Khan of Indian Woollen Carpet Factory, Jaipur-Workers' representative.

By Order of
His Highness the Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 21, 1956 part I (a) at page 36:

English Translation

NOTIFICATION

(Authorised by His Highness the Rajpramukh.)

Jaipur, November 6, 1955

No. F. 15 (2) Lab/51.—In exercise of the powers conferred by sections 7 and 9 of the Minimum Wages Act 1948 (XI of 1948), the Government of Rajasthan hereby reconstitutes the Advisory Board (Appointed for the purpose of coordinating the work of committees, sub-committees, advisory committees and advisory sub-committees appointed under section 5 and 6 and advising the State Government generally in the matter of fixing and revising the minimum rates of wages) as follows, and appoints the following members thereto:—

I Independent Persons

- | | |
|---|----------|
| 1. The Minister for Labour in the Government of Rajasthan, Ex-officio | Chairman |
| 2. The Secretary to the Government of Rajasthan in the Labour Department, Ex-officio. | Member |
| 3. The Director of Industries and Commerce, Rajasthan, Ex-officio. | " |
| 4. The Director of Mines and Geology, Ex-officio. | " |
| 5. The Secretary to the Government, P. W. Deptt. Ex-officio: | " |

6. The Secretary to the Government, Home Department, Ex-officio.
7. The Director of local Bodies, Rajasthan, Ex-officio.
8. The Labour Commissioner, Rajasthan, Ex-officio.

II Persons Representing Employers in The Scheduled Employments

1. Shri Anand Behari Lal (Manager, East India Carpet Factory) representing employment in woollen Carpet making and shawl Weaving Industry.
2. Shri Ramji Das Maroo Manager, representing Dal Mills, Flour Mills and Rice Mills.

Published in Raj. Raj-patra Dated September 13, 1956 part I (b) at page 543:

Jaipur, September 5, 1956.

No. F. 15 (3) Lab./53.—In exercise of the powers conferred by section 27 of the Minimum Wages Acts 1948 (Act XI of 1948) the Government of Rajasthan hereby gives three months' notice of its intention to add after the words. 'Crushing' in item 8 and 'works' in item 9 issued vide their Notification No 902/Lab., dated 29-3-52 part I of the schedule of employment, including Mines and Quarries for information of all the persons likely to be affected thereby.

Any objections and/or suggestions with respect to the above proposal will be considered suitably provided it is received before the date specified above. All such objections and/or suggestions should be addressed to the Secretary to the Government of Rajasthan, Labour Department, Jaipur.

By Order of
His Highness the Rajpramukh,
A K. ROY,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated October 25, 1956 part I (a) at page -198

Labour Department

NOTIFICATION

Jaipur, October 16, 1956.

No. F. 15 (2) Lab./51/9809 (b).—In exercise of the powers conferred by sections 7 and 9 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan is pleased to appoint Shri N. R. Prabhakar, Manager, M/S Krishna Kappor and Co., Amber Road, Jaipur as a member in place of Shri Anand Behari Lal. Manager, East India Carpet Co. (Private) Ltd., Jaipur in the category of persons Representing Employers in the Scheduled Employments in the Advisory Board constituted under Government Notification No. F. 15 (2) Lab./51 dated 6-11-55.

By Order of
His Highness the Rajpramukh,
G. K. BHANOT,
Secretary to the Government.

Published in Raj. Raj-patra. Dated November 1, 1956 part IV (c) at page 639.

Labour Department

NOTIFICATIONS

Jaipur, October 24, 1956.

No. F. 15 (II) Lab./54/10056.—In exercise of the powers conferred by sub-section (1) of the section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Rajasthan is pleased to appoint the following officer as ex-Officio Inspector under the Minimum Wages Act, 1948, for the purposes of the said Act, for employment in Agriculture in Part II of the schedule of employments of the said Act

1. Minimum Wages Inspector Kotah Division for Agriculture, Kotah.

Jaipur, October 24, 1956.

No. F. 15 (II) Lab./54/10056 II.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Rajasthan is pleased to appoint the following officers as ex-Officio Inspectors under the aforesaid Act, for the purposes of the said Act for the local limits mentioned against each, for employments in Part I of the schedule of employments of the said Act.

1. Minimum Wages Inspector, Bikaner ... Bikaner Division.
2. Minimum Wages Inspector, Jodhpur Jodhpur Division.

By Order of

His Highness the Rajpramukh,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated October 15, 1956 part I (b) at page 660.

Jaipur, October 31, 1956.

No. F. 1 (6) Lab./56/10267 --In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (XI of 1948), and after having given notice by notification of its intention to do so, the Government of Rajasthan is pleased to order that the following employments be added to Part I of the Schedule to the said Act, namely:—

13. Employment in Wool Cleaning and Pressing Industry.
14. Employment in Cotton Ginning and Pressing Industry.
15. Employment in Printing Press, Industry.
16. Employment in Gota Industry.

By Oder of

His Highness the Rajpramukh,

... A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated December 10, 1956 part IV (c) at page 290:

Labour Department

NOTIFICATION

Jaipur, December 10, 1956.

No. 9/1/56-Lab.—In exercise of the powers conferred by Clause (b) of sub-section (i) of section 3 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the State Government has reviewed the minimum rates of wages fixed by the Chief Commissioner of the former State of Ajmer under his Notification No. 8/12/50-LSG., dated the 11th December, 1951, in respect of employees of the lowest category employed in the employment specified in the annexure to that notification (employment in agriculture) (in relation to the Ajmer area) and hereby directs that the minimum rates of wages fixed by that notification shall continue in force in relation to the Ajmer area.

By Order of the Governor,

G. K. BHANOT,

Deputy Secretary to Government.

Published in Raj. Raj-patra Dated January 24, 1957 part I (b) at page 748:

Labour and Supply Department

NOTIFICATION

Jaipur, December 11, 1956.

No. D.5271/F.15 (11) Lab./54/11110 (a).—In exercise of the powers conferred by sub-section (I) of section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948) and in supersession of notification No. F. 15 (11) Lab. 54 dated 7th December, 1954 the Government of Rajasthan is pleased to appoint the following officers as ex-officio Inspectors under the Minimum Wages Act, 1948 for the purpose of the said Act for the local limits mentioned against each for employments in part I of the Schedule of employments of the said Act.

- | | |
|---------------------------------------|-------------------|
| 1. Minimum Wages Inspector, Jaipur. | Jaipur Division. |
| 2. Minimum Wages Inspector, Kotah. | Kotah Division. |
| 3. Minimum Wages Inspector, Bhilwara. | Udaipur Division. |

Published in Rajasthan Raj-patra Dated February 21, 57 part IV (c) at page 319-20
(English translation authorised by the Governor).

Industries (C) Department

(Labour Section)

NOTIFICATION

Jaipur, February 20, 1957.

No. F. 1 (35) Lab./57.—Whereas the Chief Commissioner, Ajmer has included employment in any printing press establishment as a Scheduled Employment under the Minimum Wages Act, 1948 (Central Act XI of 1948) under notification of the former Government of Ajmer in the Labour Department No. 9/1/54-Lab., dated the 23rd February, 1956;

And whereas, by notification of the former Government of Ajmer in the Labour Department No. 9/1/54-Lab., dated the 16th July, 1956, issued by the Chief Commissioner, Ajmer under clause (b) of sub-section (1) of section 5 of the said Act read with the notification of the Government of India referred to therein, proposals for the fixation of minimum rates of wages in respect of the said employment were published for the information of persons likely to be affected thereby, specifying the 15th day of September, 1956 as the date on or after which the proposals would be taken into consideration;

And whereas, on representations were received before the said date in respect of the said proposals;

Now, therefore the State Government, in exercise of the powers conferred by section 3 read with section 5 of the said Act, hereby fixes the following minimum rates of wages payable to adult employees employed in any printing press establishment in the Ajmer area (i.e. the area which, immediately before the 1st day of November, 1956, was comprised in the State of Ajmer as then constituted) :—

Nature of employment	Minimum rates of wages (All inclusive)
1	2
(i) Unskilled workers consisting of helpers, peons, Chowkidars, Malies, Daftaries, Sweepers, hand machine pullers Watermen.... —	Rs. 48/- per month.
(ii) Semi-skilled workers consisting of binders, distributors, inkmen, typesetters, Grinders (litho)....	Rs. 52/- per month.
(iii) Skilled workers consisting of compositors, foremen (mechanical composition, binding), treadle and cylinder machinemen, proof readers, operators (lino-mono) storekeepers, monocasters, blockmakers dye stampers, copy writers (Kitabat), rubber stamp makers and type foundrymen.	Rs. 60/- per month.
(iv) Clerical staff....	Rs. 60/- per month.
(v) Apprentices (if the stipulated period of apprenticeship does not exceed 6 months)	Rs. 30/- per month.

The above rates are all inclusive with reference to clause (iii) of sub-section (1) of section 4 of the said Act.

By Order of the Governor
A. K. ROY,
Secretary of the Government.

Published in Rajasthan Raj-patra Dated January 24, 1957 part 1 (b) at page 753

Labour Department

NOTIFICATIONS

Jaipur, January 11, 1957.

No. F. 15 (11) Lab./54/206.—In exercise of the powers conferred by sub-section (1) of the section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the Government of Rajasthan is pleased to appoint the following officer as ex-officio Inspector under the Minimum Wages Act, 1948, for the purposes of the said Act, for employment in Agriculture in Part II of the Schedule of employments of the said Act.

1. Minimum Wages Inspector-Kotah Division for Agriculture, Kotah.

Published in Raj. Raj-patra Dated January 31, 1957 part IV (c) at page 798:

Labour Department

NOTIFICATION

Jaipur, December 26, 1956.

No. F. 1 (52) Lab./56.—In exercise of the powers conferred by sub-section (1) of section 20 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the State Government hereby appoints the Sub-Divisional Magistrates, Ajmer, Beawar and Kekri to be the authority to hear and decide claims arising out of payment of less than the minimum rates of wages to employees employed or paid in their respective jurisdiction.

This is in supersession of the Notification of the former Government of Ajmer No. 1/29/53 Lab., dated the 4th May, 1953.

By Order of the Governor,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated March 28, 1957 part IV (c) at page 359-360:

Jaipur, March 28, 1957.

No. 9/7/Lab./56.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 3 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the State Government has reviewed the minimum rates of wages fixed by the Chief Commissioner of the former State of Ajmer under his Notification No. 8/5/50 LSG dated the 29th March, 1952 in respect of employees of the lowest category employed in the employment specified in the annexure to that notification (employment in Mica Works) and hereby directs that the minimum rates of wages as fixed by that notification shall continue to be in force in the Ajmer area.

Jaipur, March 28, 1957.

No. 9/5/Lab./56.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 3 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the State Government has reviewed the minimum rates of Wages fixed by the chief Commissioner of the former State of Ajmer under his Notification No. 8/6/50-LSG dated the 29th March, 1952, in respect of employees of the lowest

category employed in the employment specified in the annexure to that notification (employment under Local Authority) and hereby directs that the minimum rates of wages as fixed by that notification shall continue to be in force in the Ajmer area.

By Order of the Governor,
A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra Dated May 23, 1957 part IV (c) at page 61:
Jaipur, April 29, 1957.

No. F. 2 (12) Lab /57/2857.—In exercise of the powers conferred by clause (c) of section 2 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the State Government hereby appoints the Labour Commissioner, Rajasthan to be the 'Competent Authority' for ascertaining the cost of living index number, applicable to the employees employed in all the scheduled employments in the State of Rajasthan.

Published in Raj. Raj-patra Dated July 10, 1957 part I (a) at page 21-23
Labour Department

NOTIFICATION

Jaipur, July 10, 1957.

No. 9/2/56 Lab.—Whereas the Chief Commissioner of the former State of Ajmer has included employment in Gota Kinari establishments as a schedule employment under the Minimum Wages Act, 1948 (Central Act XI of 1948) under Notification of the former Government of Ajmer in the Labour Department No. 9/2/56-Lab dated the 11th July, 1956. And whereas the Committee constituted under Notification of former Government of Ajmer in the Labour Department No. 9/2/56-Lab dated the 6th September, 1956 has submitted its report which has been considered by the Government;

Now therefore, in exercise of the powers conferred by section 3 read with section 5 of the said Act, the Governor of Rajasthan hereby fixes the following minimum piece rates of wages as indicated in schedules A to F appended to this notification in the employment in Gota-Kinari establishments in the Ajmer area (i.e. the area which, immediately before the first day of November, 1956 was comprised of the State of Ajmer as then constituted);

Notwithstanding anything contained in schedules A to F appended to the Notification, where the wages of any employee in the employment, to whom this notification applies, immediately before the date of this notification exceeded the minimum rates of wages specified in schedule A to F (appended) shall be deemed to be the minimum wages for such employees under this Notification.

The above rates are all inclusive with reference to clause (iii) of sub-section (1) of section 4 of the said Act.

By Order of the Governor,
G. K. BHANOT,
Secretary to the Government.

A—LAHARGOLA MANUFACTURING.

All rates of wages are per Lacchhi of Lahargola manufactured.

Variety	Kucchha		Imitation		Pakka		Gilat	
	Rs. nP.		Rs. nP.		Rs. nP.		Rs. nP.	
1. Ek jod and Sava jod	1.20	1.70	3.40		2.90	
2. Dedh jod	1.40	1.90	3.80		3.30	
3. Do jod	1.60	2.10	4.20		3.70	
4. Dhaj jod	1.75	2.25	4.50		4.00	
5. Teen jod	1.90	2.40	4.80		4.30	
6. Char jod	2.10	2.60	5.20		4.70	

Note:— 1. Lacchhi of Lahargola means (1) In the case of Ek jod to Do jod varieties—

144 yds. of Lahargola (length).

2. In the case of Dhaj jod and Teen jod varieties—

108 yds of Lahargola (length).

3. In the case of Char jod variety—

90 yds. of Lahargola (length).

B—GOT'A MANUFACTURING

All rates of wages are per Lacchhi of Gota manufactured.

Variety	Kuccha		Imitation	
	Rs.nP.	G.B.	Rs.nP.	G.B.
100	150	200	250	300
G.B.	G.B.	G.B.	G.B.	G.B.
Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.	Rs.nP.
Dhanki	2.15	2.35	2.55	2.75
Sinki ...	2.15	2.35	2.55	2.75
Chomasha	2.15	2.35	2.55	2.75
Chhamasha	2.15	2.35	2.55	2.75
Eth Masha	2.15	2.35	2.55	2.75
Pathani	2.15	2.35	2.55	2.75

Variety	Pakka									
	Gilat					Pakka				
	100	150	200	250	300	350	400	450	500	550
Dhanki	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.
Sinki	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.	R.s.nP.
Chamasha	2.75	3.00	3.25	3.50	3.75	4.00	4.25	4.50	4.75	5.00
Chhamasha	3.50	3.75	4.00	4.25	4.50	4.75	5.00	5.25	5.50	5.75
Eth Masha										
Pathani										

G.B.=Gaj Badla.

Note:— 1. Lacchi of Gota means (1) In the case of Dhankik, Sinki, Chomasha and Chhamasha varieties—
540 yds. of Gota (length).
2. In the case of Ethmasha and Pathani varieties of all qualities—
432 yds. of Gota (length).

C—THAPPA MANUFACTURING

All rates of wages are per Lacchi of Thappa manufactured. Rates are in Rupees and Naya Paisa.

Variety or size	Pakka									
	Kucha and Imitation					Gilat				
	100	150	200	250	300	350	400	450	500	550
	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.	G.B.
1. 12 ki Machine	3.50	3.75	4.00	4.25	4.50	4.75	5.00	5.25	5.50	5.75
Thappa ..										
2. 8 ki Machine	4.00	4.25	4.50	4.75	5.00	5.25	5.50	5.75	6.00	6.25
ka Thappa ..										
3. 6 ki Machine	5.00	5.25	5.50	5.75	6.00	6.25	6.50	6.75	7.00	7.25
ka Thappa ..										

Note:— G.B. stand for "Gaji Badla".

D—LAPPA MAKING

All rates of wages are per tola of Lappa made

Size	Kuccha		Imitation		Gilat		Pakka	
	Rs. nP.		Rs. nP.		Rs. nP.		Rs. nP.	
3 Girah ...	0.18 per Tola		0.21 per Tola		0.25 per Tola		0.28 per Tola	
3½ Girah ...								
4 Girah ...								
5 Girah ...								

E—SPECIAL TYPES OF WORKERS EMPLOYED IN THE INDUSTRY.

All rates are in Rupees and Naiya Paisa.

Type of workers	Kuccha and Imitation Work			Gilat Work			Pakka work		
	Variety of wire Rate per 5 lb. of wire			Rate per 5 lb. of wire			Rate per 5 lb. of wire		
	100	150	200	250	300	350	400	500	
	G.W.G.W.G.W.G.W.G.W.G.W.G.W.G.W.G.W.								

*In case of piece wage system:—

1. Tarkash	....	0.70	1.00	1.30	1.60	1.95	2.25	2.55	3.15	8 Naya Paisa more than in Kuccha & Imitation work for each variety of wire drawn.	12 Naya Paisa more than in Kuccha & Imitation work for each variety of wire drawn.
2. Dabkaiya	....	0.50	0.65	0.75	0.90	1.00	1.15	1.25	1.35	-do-	-do-
3. Rangaiyya	....	Rs. 70/- per month.									
4. Adhi Kholnewala		Rs. 0.35 per Adhi or Rs. 40/- per month.									

Note:— (1) * or Rs. 55/- per month in case of time wage,
 (2) % or Rs. 55/- per month in case of time wage.
 (3) G.W. stand for Gaja Wire i.e. yds. of wire drawn from 1 tola of metal wire.

F—KINARI MAKING.

Notifications under Minimum Wages Act, 1948,

[19

	Lahardar or Danedar		Made by hand	
	Manufactured by Machine	Rs. nP.	Rs. nP.	
1. Kuccha	3.25 per Lachhi	0.85 per Mhan (9 yds.)
2. Pakka	5 00 per Lachhi	2.00 per Than (9 yds.)

Published in Rajasthan Raj-patra Dated July 25, 1957 part I(b) at page 181

Labour Department.

NOTIFICATION

Jaipur, July 13, 1957.

No. 1/36/57 LAB/4508.—In exercise of powers conferred by sub section (1) of section 19 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Rajasthan hereby appoints the Officers specified in column (1) of the schedule hereto annexed to be Inspectors for the purpose of the said Act within the local limits specified in the corresponding entries in column (2) thereof—

SCHEDULE.

Designation of Officer. 1	Territorial Jurisdiction 2
1. Assistant Labour Commissioner (Admn.) with Head-quarters at Jaipur.	Whole of Rajasthan State.

DIVISIONAL STAFF.

1. Conciliation Officer, Jaipur.	Ajmer Division, excluding Ajmer District.
2. " "	Bhilwara Udaipur District.
3. " "	Bikaner. Bikaner Division.
4. " "	Kota. Kota Division.
5. " "	Jodhpur. Jodhpur Division.
6. " "	Ajmer. Ajmer District.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated October 17, 1957. part I (a) at page 224

Industries (c) Department

(Supply & Labour)

NOTIFICATION

Jaipur, September 27, 1957.

No. F. 1 (87) Lab./57.—In exercise of the powers conferred by section 6 of the Minimum Wages Act, 1948 (XI of 1948), the Governor of Rajasthan hereby appoints an advisory committee consisting of the following members to hold enquiries and to advise in regard revising of minimum rates of wages in the employment of Wool cleaning, pressing or bailing establishments in the erstwhile State of Ajmer.

Independent Members.

1. Dr. R.N. Bagchi M.A.P. Hd. Principal, S.D. Govt. College, Beawar (Ajmer).

Employers Representatives.

1. Shri Kansandas Bhai M. Thakker Wool Merchant, Beawar.
2. Shri Gulab Chand Bajaj, Wool Merchant, Kekri.

Employees Representatives.

1. Shri Hari Prashad Garg, M.A LL.B., Advocate C/o Rashtriya Oon Mazdoor Sangh Beawar. (Ajmer).
2. Shri Mohammed S/o Shri Moha Bux Representatives of workers in Wool Pressing Factory, Kekri (Ajmer).

The Minimum Wages Inspector, Ajmer will act as Secretary of the Committee.

Under rules 3 of the State of Ajmer Minimum Wages Rules, 1956 the term of the office of the members of the Committee will be two months from the date of issue of this Notification

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated December 19, 1957 part I (b) at page 905.

Industries (a) Department
(Labour Section)

NOTIFICATION.

Jaipur, December 3, 1957.

No. F 1 (92)/Lab./57.—As required by clause (b) of sub-section (1) of section 5 of the Minimum Wages, Act, 1948 (Act No. XI of 1948), the following proposals of the minimum rates of wages which the State Government desires to fix under section 3 of the said Act in respect of employment in public motor transport industry in the State of Rajasthan are hereby published for the information of persons likely to be affected thereby. The said proposals will be taken into consideration on or after the expiry of two months from the date of publication of this notification.

All representations from any person with respect to the said proposals should be sent in duplicate to the Labour Commissioner, Rajasthan, Jaipur before the aforesaid time.

PROPOSALS.

For employment in public motor transport, the minimum rates of wages shall, in the case of all whole time-employees, be as follows:—

1. (a) Drivers:—	Rs. 75/- per month or Rs. 2/5/- per day.	
(b) Conductors & plying checkers.	Rs. 52/8/- per month or Rs. 1/12/- per day.	inclusive of weekly days of rest.
(c) Cleaners, Peons, Kha- lasis, Water- man etc.	Rs. 45/- per month or Rs. 1/8/- per day.	
(d) Clearks.	Rs. 60/- per month or Rs. 2/- per day.	

2. Notwithstanding anything contained therein, if, on the day the aforesaid rates come into force the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages in respect of him.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Rajasthan Raj-patra Dated June 5, 1958 part IV (c) at page 344

Labour Department

NOTIFICATION

Jaipur, March 3, 1958.

No. F. 3 (9) Lab./58.—In exercise of the powers conferred by section 20 of the Minimum Wages Act, 1948 (XI of 1948) the Government of Rajasthan hereby appoints all Sub-Divisional Magistrates and City Magistrates to be the authorities to hear and decide for the area of their respective jurisdiction, all claims arising out of payment of less wages than the minimum rates of wages or in respect of the payment of remuneration for days of rest for work done on such days under clause (b), or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 of the said Act to employees employed or paid in that area.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Dated July 3, 1958 part IV (c) at page 567:

Industries (C) Department

(Labour Section)

NOTIFICATION

Jaipur, June 16, 1958.

No. F. 3 (6) Lab./58.—In exercise of the powers conferred by sub-section (1) of the section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the Government of Rajasthan is pleased to appoint the following officer as Inspector under the Minimum Wages Act, 1948, for the Local limits mentioned against the name of the Officer, for employments in Part I and II of the schedule of employments of the said Act:—

- (i) Minimum Wages Inspector-Ajmer District.

Published in Raj. Ka. p. tra Dated August 14, 1958 part IV (c) at page 780:

Industries (C) Department
(Labour Section)

NOTIFICATION

Jaipur, July 16, 1958.

No. F. 3 (5) Lab./58.—In exercise of the powers conferred by sub-section (1) of section 20 of the Minimum Wages Act, 1948, (XI of 1948), the Government of Rajasthan hereby appoints the Labour Commissioner, Rajasthan to be an Authority to hear and decide all claims arising out of payment of less than minimum rates of wages or in respect of the payment of remuneration for days of rest for work done on such days under clause (b) of clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 of the Act to the employees employed or paid in the State of Rajasthan.

The Government Notification No. 433/Lab, dated the 19th March, 1952 and F. 1 (52) Lab./56, dated the 26th December, 1956 are hereby superseded.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

The Rajasthan Minimum Wages Rules, 1959.

Industries 'C' Department
NOTIFICATION

Jaipur, October 15, 1959.

No. 7586. F. 3 (24) Lab./58—In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the State Government hereby makes the following rules, the same having been previously published in Rajasthan Rajpatra, part 3 (b) at pages 191-218 dated the 5th February, 1959, as required by sub section (1) of section 30 of the said Act.

CHAPTER I

Preliminary

1. *Short title and extent.*—(1) These Rules may be called the Rajasthan Minimum Wages Rules, 1959.

(2) They extend to the whole of the State of Rajasthan.

Sub-section (1) of section 30 of the Minimum wages Act, 1948 authorises the State Government to make rules for carrying out the purposes of the Act. Such rules are required to provide for:—

Notes

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the committees, sub-committees, and the Advisory Board;

(b) Prescribe the method of summoning witnesses, production of documents relevant to the subject matter of the enquiry before the committees, sub-committees and the Advisory Board;

(c) Prescribe the mode of computation of the cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates;

(d) prescribe the time and conditions of payment of, and the deductions permissible from, wages;

(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate the scale of costs that may be allowed in proceedings under section 20;

The State Government originally framed rules on this subject in exercise of the aforesaid powers vide Labour Department Notification No. F. 15 (2) Lab /50

Published in Raj. Raj-patra part IV (c) dated October 16, 1959, at page 725

dated 2-9-1953 published in the Rajasthan Rajpatra, Part IV(B) dated 31/10/53. The Rajasthan Rules of 1951 and the State of Ajmer Minimum wages Rules, 1950 have been repealed by the present rules of 1959 vide its rule 34.

2. *Interpretation.*—In these rules, unless the context otherwise requires:—

(a) 'Act' means the Minimum Wages Act, 1948 (Central Act XI of 1948);

(b) 'Day' means a period of twenty four hours beginning at midnight;

(c) 'Authority' means the authority appointed under sub-section (i) of section 20;

(d) 'Board' means the Advisory Board appointed under section 7;

(e) 'Chairman' means the Chairman of the Advisory Board or the Committee as the case may be, appointed under section 9;

(f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub committee appointed under that section;

(g) 'Form' means a form appended to these rules;

(h) 'Inspector' means a person appointed as Inspector under section 19;

(i) 'Registered Trade Union' means a trade Union registered under the Indian Trade Unions Act, 1926.

(j) 'Section' means a section of the Act, and

(k) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them in the Act.

CHAPTER II

Membership, meetings and staff of the Board and Committee.

3. *Term of office of members of the committee.*—The term of office of the members of a Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of a Committee fix such term and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non official member of the Board, shall be two years commencing on the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The Official members of the Board shall hold office during the pleasure of the State Government.

5. *Travelling allowance*.—A non-official member of the Committee, or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the rules of the State Government.

6. *Staff*.—(i) The Secretary shall be the chief executive officer of the Committee, or the Board, as the case may be. He may attend the meetings of such committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, or the Board, as the case may be.

7. *Eligibility for renomination of the members of the Committee and the Board*.—An out-going member shall be eligible for renomination for the membership of the committee, or the Board of which he was a member.

8. Resignation of the Chairman and the members of the Committee and the Board and filling of Casual vacancies:—

(1) A member of the Committee, or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the State Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, or the Board, the Chairman shall submit a report to the State Government immediately. The Government shall then take steps to fill the vacancy.

9. *Cession and restoration of membership*.—(1) If a member of the Committee, or the Board fails to attend three consecutive meetings he shall subject to the provisions of sub-rule (2) cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post with fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate the members shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification*.—(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, or the Board, as the case may be:—

(i) If he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) If before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has incurred under sub-rule (1) the decision of the State Government thereon shall be final.

11. *Meetings*.—The Chairman may subject to the provisions of rule 12, call a meeting of the Committee, or the Board as the case may be, at any time he thinks fit.

Provided that on a requisition in writing from not less than one half of the members, the Chairman shall call a meeting within fifteen days from the date of receipt of such requisition.

12. *Notice of meetings*.—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

13. *Chairman*.—(1) The Chairman shall preside at the meetings of the Committee, or the Board as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member, by a majority of votes, who shall preside at such meeting.

14. *Quorum*.—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of the members present.

15. *Disposal of business*.—All business shall be considered at a meeting of the Committee, or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a Casting vote:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and securing written opinion of the members;

Provided further that no decision on any question which is referred under the first proviso shall be taken, unless supported by not less than two-third of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the State Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III.

Summoning of witnesses by committee or Board and production of documents

18. *Summoning of witness and production of documents.*—(1) A Committee, or the Board may summon any person to appear as a witness in the course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summon under sub-rule (i) may be addressed to an individual or an organisation of employers or a registered trade union of workers.

(3) A summon under this rule may be served :—

- (i) in the case of an individual by being delivered or sent to him by registered post;
- (ii) in the case of an employers' organisation or registered trade union of workers by being delivered or sent by registered post to the Secretary or other principal officer of the organisation or union, as the case may be.

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, or the Board.

19. *Expenses of witness.*—Every person, who is summoned and appears as a witness before a Committee, or the Board shall be entitled to an allowance for expenses, incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV

Computation and payment of wages, hours of work and holidays

20. *Mode of computation of the cash value or wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be in accordance with such directions as may be issued by the State Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages:*—(1) (i) the wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid before the expiry of the seventh day by the establishment which employs less than 1000 persons and before 10th day by other establishment, after the last day of the wage period.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

(iv) The employer shall display in a conspicuous place at or near the main entrance of the establishment a notice in English and in the language of the majority of the persons employed therein showing for not less than two months in advance, the days on which wages are to be paid.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deduction from the wages of a person employed in scheduled employment shall be of one or more of the following kinds, namely:—

(i) *Fines.*—Provided that no fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer with the previous approval of the State Government may have specified;

(ii) *Deductions.*—for absence from duty:—

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer or the State Government or Municipality or

- Housing Board and other authorities constituted by or with the permission of the State Government for providing housing accommodation;
- (v) deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorise;

*Explanation :—*The word amenities and services in this clause does not include the supply of tools and protectives required for the purposes of employment.

- (vi) deductions for recovery of advances or for adjustment of over payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month.

- (vii) deductions of income tax payable by the employed person;
- (viii) deductions required to be made by order or a court or other competent authority;
- (ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognised provident fund as defined in section 58A of the Indian Income Tax Act, 1922, or any provident fund approved in this behalf by the State during the continuance or such approval;
- (x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government;
- (xi) deductions for recovery or adjustment of amounts other than wages paid to the employed person in error or in excess of what is due to him;
- (xii) deductions, made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government:

Provided that the prior approval of the Inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person.

The amount of the said fine or deduction shall also be intimated to him:

Provided that the total amount of fine imposed in any one wage period on an employed person shall not exceed 3.1/8% of the wages payable to him in respect of that period and further that the amount of deduction for damage to or loss of goods caused by an employed person shall not exceed the amount of the damage or loss caused to the employer.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the State. All such deductions and all realisation thereof shall be record in a register maintained in form I, II and III as the case may be. A return in form III shall be submitted annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised only for such purposes beneficial to the employees as are approved by the State Government.

(6) Nothing in this rule shall be deemed to effect the provisions of the Payment of Wages Act, 1936.

22. *Publicity to the minimum wage fixed under the Act.*—Notice in form X containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place, as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all sub-divisional and District Offices.

23. *Weekly holidays.*—(1) Unless otherwise permitted by the State Government no worker shall be required or allowed to work in a scheduled employment on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the three days immediately before or after the said day, for which he shall receive payment equal to his average daily wages during the preceding week.

Provided that the weekly holidays may be substituted by another day.

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Whether in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation:—For the purposes of this rule, 'Week' shall mean a period of seven days beginning at mid-night on Saturday night.

24. *Number of hours of work shall constitute a normal working day*—No adult worker shall be required or allowed to work in a scheduled employment for more than nine hours in a day and forty-eight hours in any week.

25. *Night shifts*.—(i) Where a worker in a scheduled employment works on a shift which extends beyond mid-night:—

- (a) for the purpose of rule 23, a holiday for the whole day shall mean in his case a period of twenty four consecutive hours beginning when his shift ends,
- (b) the following day for him shall be deemed to be the period of twenty four hours beginning when such shift ends, and the hours he has worked after mid-night shall be counted towards the previous duty.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than ten and a half hours in any day:

Provided that the Inspector may, for reasons to be specified in writing increase the spread over to twelve hours.

(4) No child shall be employed or permitted to work for more than four and a half hours on any day.

(a) 'No woman shall be employed or permitted to work beyond 6 p. m. and earlier than 6 a. m. during 1st September to the end of February or beyond 7 p. m. and earlier than 6 a. m. from the 1st March to 31st August.'

(5) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government.

(6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the State Government.

26. *Extra wages for overtime*.—When a worker works in an employment for more than nine hours on any day or for more than forty eight hours in any week, he shall, in respect of overtime work, be entitled to wages:—

- (a) in the case of employment in Agriculture, at one and a half times the ordinary rate of wage.
- (b) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.

The expression 'ordinary rate of wages' means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed, of food-grains and other articles as the person employed is, for the time being, entitled to but does not include a bonus

(2) A register showing overtime payments shall be kept in Form IV,

CHAPTER V

Form of Registers and Records

27. *Wage Register and Slips.*—(1) A Register of Wages in form XI shall be maintained by every employer at the workshop.

(2) Wage slips in form XII shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wage book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer at the workshop and kept in form V.

CHAPTER VI

Claims under the Act.

28. *Application.*—An application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in form VI and VII as the case may be.

29. *Authorisation.*—The Authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority herein the application and shall form part of the record.

30. *Appearance of parties*—(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear, before him on a specified date with all relevant documents and witnesses if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application ex-parte.

(3) If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within a month of the date of the said order, and the application shall then be re-heard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VII

Scale of costs in proceedings under this Act

31. *Costs* —(1) The Authority, for reasons to be recorded in writing, may direct that the costs of any proceedings pending before it shall not follow the event.

(2) The costs which may be awarded shall include:—

- (i) expenses incurred on account of court fees;
- (ii) expenses incurred on subsistence money to witnesses; and
- (iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded if writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents the Authority may subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

32. *Court fees*.—The Court fee payable in respect of proceedings under section 20 shall be :—

- (i) for every application to summon a witness—One rupee in respect of each witness.
- (ii) for every application made by or on behalf of an individual/individuals—One rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable :—

- (a) from person employed in Agriculture, or
- (b) in respect of an application made by an Inspector.

33. *Exemption*.—The State Government may declare that these rules shall not apply to any scheduled employment if there are in force rules applicable to such employment, which in the opinion of the State Government, make equally satisfactory provisions in regard to the matter dealt with by these rules and such opinion shall be final.

34. *Repeal*.—The Rajasthan Government Minimum Wages Rules, 1951, and the State of Ajmer Minimum Wages Rules, 1950 and all other rules corresponding to these rules in force in any part of the State of Rajasthan are hereby repealed.

FORM I
REGISTER OF FINES.
[Rule 21 (4)]
Employer.....

Sl. No.	Name	Father's/ Husband's name.	Sex	Department.	Nature and date of the offence for which fine imposed.	Whether work- man showed cause against fine or not. If so, enter date.	Rate of wages.	Date and amount of fine imposed.	Date on which fine realised.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM II

[Rule 21 (4)]

REGISTER OF DEDUCTION FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER, BY THE
DEFAULT OF THE EMPLOYED PERSONS.

Employer

Sl. No.	Name.	Father's/ Husband's name.	Sex.	Department.	Damage or loss caused with date.	Whether worker showed cause against deduction if so, enter date.	Date and amount of deduction imposed.	Number of instalments if any.	Date on which total amount realised.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM III
(RULE 21 (4))

DEDUCTION FROM WAGES

Return for the year ending the 31st December.....

1. Name of the employer and postal address.....

2. Total number of persons employed) (Adults).....

Children

3. Total wages paid.....

4. Number of cases and amounts realised as:—

No. of cases.	Amount.
(a) Fines....	
(b) Deductions for damage or loss.....	
(c) Deductions for breach of contract...	
5. Disbursement from Fine Fund.	
Amount.	Purpose.

Dated

19

Signature.....
Designation.....

FORM IV

[Rule 26 (2)]

OVER-TIME REGISTER FOR WORKERS

Month ending.....19

S. No.	Name	Father's/Husband's name	Sex	Designation & Department	Dates on which overtime worked	Fixed of overtime on each occasion	Total Overtime worked or production in case of piece workers	Normal hours	Normal rate	Normal earnings	Over time rate	Overtime earnings	Total earnings	Date on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM V

[Rule 27 (5)]

MUSTER ROLL

Name of Establishment.....Place.....

S. No.	Name	Father's/Husband's Name	Sex	Nature of work	For the period ending	Remarks.
1	2	3	4	5	6	7
					1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,	16

FORM VI (Rule 28)

(Form of Application by an employee under section 20 (2))

In the Court of Authority appointed under the Minimum Wages Act, 1948, for
Application No. _____ of 19.....
area.

(1).....

(2).....

(3).....

Applicant (s)

(through a legal practitioner... ..official

of.... ... Union, which is a registered Trade Union)

Address.... ...

VERSUS

(1)

(2).....

(3).....

Opponents.

Address.... ...

The applicant (s) above named beg (s) respectfully to submit as follows:—

(1) that.....

(2) that

The applicant (s) has (have) been paid wages at less than the minimum rate of wages.

The applicant (s) estimate (s) the value of the relief sought by him (them) at the sum of Rs.....

The applicant (s) pray (s) that a direction may be issued under sub-section (3) of section 20 for :—

(a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid; and

(b) Compensation amounting to Rs.....

The applicant (s) beg (s) leave to amend or add to or make alterations in the application, if any and when necessary.

Date.....\$

Signature or thumb impression of employee (s), legal practitioner or official of a registered Trade Union duly authorised.

The applicant(s) do(es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at.....on.....day of ..19

Signature or thumb impression of the Employee(s) or legal practitioner or official or a registered trade union duly authorised.

\$When the application is by a group of employees, the thumb impression or signature of two of the applicants need be put

to the application and a full list of applicants should be attached to the application.

FORM VII

(Rule 28)

(Form of application by an Inspector or person acting with the permission of the Authority under section 20 (2))

In the Court of the Authority appointed under the Minimum Wages Act, 1948. for.....area.

Application No. of 19.....

(1).....Applicant

Address.....

VERSUS

(1).....Opponent.

Address.....

The applicant above named begs respectfully to submit as follows:—

(1) that

(2) that

The opponent is bound to pay wages at the minimum rates of wages fixed by Government but he has paid less wages to the following employees:—

(1)

(2)

(3)

The applicant estimates the value of the relief sought for the employees at the sum of Rs

The applicant prays that a direction may be issued under sub-section (3) of section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rates of wages fixed by Government and the wages actually paid; and,

(b) Compensation amounting to Rs.....

The applicant begs leave to amend or add to make alterations in the application if and when necessary.

Date.....

Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at.....on.....day.... 19.....

FORM VIII

(Rule 29)

(Form of authority in favour of legal practitioner or official of a registered trade union referred in section 20 (2).)

In the Court of the Authority appointed under the Minimum Wages Act, 1948.

Applicant No.	Area
(1)	of 19
(2).....	Applicant (s)
(3).....	

VERSUS

(1).....	
(2).....	Opponent (s)
(3)	

I hereby authorise Mr.... ..a legal practitioner/an official of the registered trade union of.... ..to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearance and act.

Date	Signature or thumb impression of the Employee
------	--

FORM IX (Rule 30)

(Form of summons to the Opponent to appear before the Authority when an application under sub-section(2) of section 20 or under section 21 is entertained).

(Title of the Application)

To

... ..
(Name, description and place of residence).

Whereas.... .. has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the.....day of 19 at O'clock in the.... ..noon, to answer the Claim; and the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to reply in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Date

Signature of the Authority.

FORM X

Notices (Rule 22)

Extract from the Minimum Wages Act, 1948 and the Rules made thereunder.

I. Whom the Act Affects.

1. (a) The Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum rates of wages have been fixed.

(b) No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

II. Definition of Wages.

2. "Wages" means all remunerations payable to an employed person on the fulfilment of his contract of employment and also includes house rent allowance.

It excludes—

- (i) the value of any house accommodation, supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Government.
- (ii) contribution paid by the employer to any Pension Fund, Provident Fund or under any scheme of Social Insurance.
- (iii) the travelling allowance or the value of any travelling concession.
- (iv) the sum paid to the person employed to defray special expenses entailed on him by the nature of his employment.
- (v) Gratuity payable on discharge.

The minimum rate of wages may consist of :—

- (i) A basic rate of wages and a special allowance called the cost of living allowance.
- (ii) A basic rate of wages with or without a cost of living allowance and the cash value of any concessions like supplies of essential commodities at concession rates.
- (iii) An all inclusive rate comprising of basic rate cost of living allowances and cash value of concessions, if any.

3. The minimum wages payable to employees of scheduled employments notified under section 5 read with section 3 may be :—

- (a) a minimum time rate.
- (b) a minimum piece rate.
- (c) a guaranteed time rate.
- (d) an over-time rate; differing with;
 - (1) different scheduled employments;
 - (2) different classes of work.
 - (3) different localities.

(4) different age groups.

(e) Minimum rates of wages may be fixed by hour, by the day, by the month or by such other larger wage period as may be prescribed.

III—Computation and Conditions of Payment.

The employer shall pay to every employee engaged in scheduled employment under him, wages at a rate not less than the minimum rate of wages fixed for that class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorises payment thereof either wholly or partly in kind.

Wage periods shall be fixed for the payment of wages at intervals not exceeding one month.

Wage shall be paid on a working day written seven days of the end of the wage period or within ten days if 1,000 or more persons are employed.

The wages of a person discharged shall be paid not later than the second working day after his discharge.

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rates of wage is applicable the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force in respect of each such class.

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

IV--Hours of Work and Holidays

The number of hours which shall constitute a normal working day shall be :—

- | | | | | |
|---------------------------------|-----|-----|-----|-----------|
| (a) in the case of an adult ... | ... | ... | ... | 9 hours. |
| (b) in the case of a child ... | ... | ... | ... | 4½ hours. |

The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day.

The employer shall allow a day of rest with pay in every period of seven days. Ordinarily Sunday the first day of the week shall be the holiday.

When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in a week he shall in respect of over-time work be entitled to wages in scheduled

employment other than agriculture, at double the ordinary rate of wages and in the case of employment in Agriculture of one and a half time the ordinary rate of wages.

V—Fines and Deductions

No deductions shall be made from wages except those authorised by or under the Rules.

Deductions from the wages shall be one or more of the following kinds, namely:—

- (i) *Fines*:—An employed person shall be explained personally and also in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him. It shall be such as may be specified by the State Government. It shall be utilised in accordance with the directions of the State Government.
- (ii) Deductions for absence from duty.
- (iii) Deductions or damage to or loss of goods entrusted to the employee for custody, or for less than money for which he is required to account where such damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him.
It shall be such as may be specified by the State Government.
- (iv) Deductions for house accommodation supplied by the employer.
- (v) Deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorise. These will not include the supply of tools and protectives required for the purposes of employment;
- (vi) Deductions for recovery of advance or for adjustment of over-payment of wages; such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly instalment of deductions shall not exceed one-fourth of the wages earned in that month;
- (vii) Deductions of income-tax payable by the employed person.
- (viii) Deductions required to be made by order of a court or other competent authority.

- (ix) Deductions for subscriptions to and for repayment of advances from any provident fund.
- (x) Deductions for payment to co-operative societies or to a scheme of insurance approved by the Central or State Government.

VI--Maintenance of Registers and Records.

Every employer shall maintain a register of wages in the Form XI prescribed.

Every employer shall issue wage slips in Form XII containing prescribed particulars to every person employed.

Every employer shall get the signature or the thumb impression of every person employed on the wage-book and wage-slip.

Entries in the wage-books and wage-slips shall be properly authenticated by the employer or his agent.

A Muster Roll shall be maintained by every employer and kept in the Form V.

every employer shall keep exhibited at such places selected by the inspector, notices in English and in languages understood by a majority of the workers of the following particulars in a clean and legible form.

- (a) Minimum rates of wages.
- (b) Extracts from the Acts and the Rules made thereunder.
- (c) Name and address of the Inspector.

VII--Inspections.

An inspector can enter in any premises and can exercise powers of inspections (including examination of documents and taking evidence), as he may deem necessary for carrying out the purposes of the Act. The Inspector can also seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under the Act. Any person required to produce any document or thing or to give any information by an Inspector shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

VIII--Claims and Complaints.

Where the employee is paid less than the minimum rates of wages fixed for his class of work or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the Authority appointed for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period.

Any legal practitioner, official of a registered union, inspector under the Act or other person acting with the permission of the

Authority can make the complaint on behalf of the employed person.

A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wages under section 22 of the Act can be made to the Court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under section 22 of the Act can be made to the Court only by or with the sanction of an Inspector within six months of the date on which the offence is alleged to have been committed.

IX—Action by the Authority.

When any application under sub-section (2) of section 20 is entertained, the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under the Act, direct:—

- (i) in the case of a claim arising out of payment of less than the minimum rate of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;
- (ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit not exceeding ten rupees;

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

X—Penalties for the offences under the Act.

Any employer, who pays to an employee less than the minimum rates of wages of less than the amount due to him under the provisions of the Act or contravenes any rule or order regarding hours for a normal working day etc. shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Any employer, who contravenes any provision of the Act or any rule made there under shall if no other penalty is provided for such contravention by the Act, be punishable with the fine which may extend to five hundred rupees. The authority in imposing

such fine shall also take into consideration the amount of any compensation already awarded in any proceedings already held before the Authority. **OFFENCE BY THE COMPANIES.** Where an offence under this Act has been committed by a company and it has been proved that the offence has been committed with the consent or connivance of or is attributed to any neglect on the part of any director, manager, secretary or other officer of the company shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Company has means any body corporate and includes firms or other associations of individuals.

Director here means a partner in the firm.

XI—Cognizance of Offences.

No court shall take cognizance of a complaint against any person for an offence in cases of less payment than the minimum rates of wages fixed or less than the amount due unless an application in respect of the facts constituting such offence has been presented before the Authority and has been granted wholly or in part and the Government or any other Officer authorised by the Government in this behalf has sanctioned the making of such complaint and in cases of contraventions of any rule or order made regarding hours for a normal working day or for not providing for a day of rest or for not providing payment for work on a day of rest unless the complaint has been made by or with the sanction of the Inspector and the complaint in either of the cases has been presented before the Court within one month of the making of the said sanction and for all other contraventions of the provisions of the Act, or of any rule or order made thereunder unless the complaint has been made by or with the sanction of the Inspector and the same has been presented within six months of the date on which the offence is alleged to have been committed.

XII—Minimum Rates of Wages Fixed.

Name of undertaking.

S. No.	Category of employees.	Minimum rates of wages.
--------	------------------------	-------------------------

XIII—Name and Address of the Inspector (S)

NAME ADDRESS.

FORM XI

(Vide Rule 27 (1))

Name of the Establishment.....

Place.....

REGISTER OF WAGES

Name of the worker.	Wage period.	Minimum rates of wages payable.	Dates on which overtime worked.	Gross wages payable.	Deductions payable.	Actual wages paid.	Signature or thumb impression of the employee.
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FORM XII
(Rule 27 (2))
Wage Slip

Name of Establishment.....

Place.....

Name of the worker.	Wage period.	Minimum rates of wages payable.	Dates of which overtime worked.	Gross wages if payable.	Deductions any wages.	Actual paid.	Signature of the employer.

By Order of the Governor.
R. K. CHATURVEDI,
Secretary to the Government.

RAJASTHAN MINIMUM WAGES RULES, 1959

Labour Department
NOTIFICATIONS

Jaipur, November 15, 1962

No. F. 3 (48) Lab./62.—In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the State Government hereby makes the following amendments in the Rajasthan Minimum Wages Rules, 1959, the same having been previously published as required by sub-section (1) of the said section.

AMENDMENTS

In the said rules:—

1. for rule 28, the following rule shall be substituted, namely:—

28. *Application.*—(1) An application under sub-section (2) of section 20 or sub-section (1) of section 21 by or on behalf of an employed person or group of employed person shall be made in duplicate in Form VI, VI-A or VII, as the case may be, one copy of which shall bear the prescribed court fee.

(2) A single application under section 20 read with section 21(1) may be presented by or on behalf of a group of employed persons, if they are borne on the same establishment and their claim relates to the same wage period or periods.

2. In rule 32, after clause (ii), the following clause shall be inserted, namely:—

(iii) For every application made on behalf in respect of a number of employees, one rupee per employee.

3. For the Forms VI and VII the following Forms shall be substituted, namely:—

FORM VI

(Form of application by an employee under Section 20(2))

In the Court of Authority appointed under the Minimum Wages Act, 1948.

for.... ..area.

Application No.....of.....

(1) Applicant (through.....

.....a legal practitioner/an official
ofwhich is a
Registered Trade Union).

Address

VERSUS

(1)

(2) Opponent(s)

(3)

Address

The applicant above named states as follows—

(1) The applicant was/has been employed from.....
.....to.... as(category)
in..... (Establishment) of Shri/Messrs.....
..... engaged in.....(nature of work)
which is a scheduled employment within the meaning of section
2(g) of the Minimum Wages Act.

(2) The opponent(s) is/are the employer(s) within the
meaning of section 2(e) of the Minimum Wages Act.

(3)*(a) The applicant has been paid wages at less than the
Minimum rates of wages fixed for his category of employment
under the Act by Rs.... per day for the period
from..... to ...

* (b) the applicant has not been paid wages at Rs....
per day for the weekly days of rest from..... to
.....;

* (c) The applicant has not been paid wages at the over-
time rate for the period from to..... ;

(4) The applicant estimates the value of relief sought by
him on each account as under:—

(a) Rs.....

(b) Rs.....

(c) Rs

Total Rs.....

(5) The applicant, therefore, prays that a direction may
be issued under section 20(3) of the Act for:—

* (a) payment of the difference between the wages payable
under the Minimum Wages Act and the Wages actually paid.

* (b) payment of remuneration for the days rest.

* (c) payment of wages at the overtime rate.

(6) The applicant begs leave to amend or add to or made
alterations in the applications, if and when necessary, with the
permission of the authority.

(7) The applicant does solemnly declare that the facts stated in this application are true to the best of his knowledge, belief and information.

Signature or thumb impression of the employed person, for legal practitioner or official of a registered Trade Union duly authorised.

*Delete the portions not required.

FORM VI-A

(Form of Group Application under section 21(1))

In the court of the authority appointed under the Minimum Wages Act, 1948, for.... areas. Application No of 19 ... between A.B.C. and (State the number) ... other applicant. (Through..... a legal practitioner/an official of..... which is Registered Trade Union).

Address..... and X.Y.Z.... opposite party. Address

The applicant states as follows:—

(1) The applicants whose names appear in the attached schedule were/have been employed from.... to.... as.....(categories) in....(Establishment of)Shri/Messrs.... engaged in (nature of work) which is/are scheduled employment(s) within the meaning of section 2(g) of the Minimum Wages Act.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act

(3)*(a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category(categories) of employment(s) under the Act by Rs.....per day for period(s) from.... to.....

* (b) The applicants have not been paid wages at Rs per day for the weekly days of rest from.... to....

* (c) The applicants have not been paid wages at the over-time rate(s) for the period from to..... ;

(4) The applicants estimate the value of relief sought by them on each account as under:—

(a) Rs.....

(b) Rs.....

(c) Rs.....

(5) The applicants, therefore, pray that direction may be issued under section 20(3) of the Act for—

*(a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;

*(b) payment of remuneration for the days of rest;

*(c) payment of wages at the overtime rate[s].

(6) The applicants beg leave to amend or add or make alterations in the application, if any when necessary, with the permission of the authority.

(7) The applicants do solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Signature or thumb impression
of the employed persons, of
legal practitioner or official of a
registered Trade Union duly
authorised.

*Delete the portion not required.

FORM VII

(Form of application by an Inspector or person acting with permission of the Authority under section 20(2))

In the Court of the Authority appointed under Act, 1948.
for area

Application No of 19.....

(1).....Applicant.

Address

VERSUS

(1).....opponent(s)

Address.....

The applicant above-named states as follows:—

(1) The opponent(s) has/have

*(a) paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs..... per day for the period(s) from..... to

*(b) not paid wages at Rs per day for the weekly days of rest from..... to....

*(c) not paid wages at the overtime rate(s) for the period from..... to..... to the following employees.

(2) The applicant, estimates the value of relief sought for the employees on each account as under:—

(a) Rs....

(b) Rs....

(c) Rs.....

(3) The applicant, therefore, prays that a direction may be issue under section 20(3) of the Act for:—

* a) payment of the difference between the wages payable under the Minimum Wages Act and the Wages actually paid;

* (b) payment of remuneration for the days of rest;

* (c) payment of wages at the overtime rate(s);

(4) The applicant begs leave to amend or add to or make alterations in the applications if any when necessary with the permission of the authority.

(5) The applicant does solemnly declare that the facts stated in this application are true to the best of his knowledge, belief and information.

Signature

*Delete the portion not required.

[Pub. in Raj. Gaz. 4 (Ga) Dt. 1-3-63-Page 746]

Labour & Employment Department

Jaipur, August 14, 1967

Notification No. F. 1 (7) (9) L & E/66.—In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the State Government hereby makes the following rules to amend the Rajasthan Minimum Wages Rules, 1959, the same having been previously published in the Rajasthan Rajpatra, Part-III (B) dated the 13th October, 1966, namely:—

1. These rules may be called the Rajasthan Minimum Wages (Amendment) Rules, 1966.

2. In the Rajasthan Minimum Wages Rules, 1959—

(1) after rule 4, the following new rule shall be inserted, namely:—

“4-A. *Nomination of substitute member.*—If a member of the Committee, or the Board is unable to attend a meeting thereof, the State Government may, by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said Committee or the Board, as the case may be, nominate a sub-stitute in his place to attend that meeting. Such a substitute in member shall have all the rights of a member in respect of that meeting.”;

(2) rule 20 shall be re-numbered as sub-rule (1) thereof, and after sub-rule (1) so renumbered, the following new sub-rule shall be inserted, namely:—

“(2) The cash value of concessions in respect of supplies of essential commodities at concessional rates to work-

men working in scheduled employment in respect of which rates of wages have been fixed under the Act shall be equal to the difference between the retail price of such commodities at the nearest market and the price charged by the employer to such workmen”;

(3) in rule 21, in sub-rule (4), for the expression “annually by the employer”, the expression “by the employer to the Inspector by 15th of February each year”, shall be substituted;

(4) for rule 22, the following rule shall be substituted, namely:—

“22. *Publicity to the minimum wage fixed under the Act.*—Every employer shall keep exhibited the following notices in a conspicuous place, in the factory, workshop or place where the workers in the schedule employment are employed and in the case of out workers in such factory, workshop or place as is used for giving out-work to them :—

(1) *Notice No. 1.*—Rates of Minimum Wages fixed under the Minimum Wages Act, 1948 (Form XIII);

(2) *Notice No. 2.*—Abstract of the Minimum Act, 1948, under the Rajasthan Minimum Wages Rules, 1959 (Form X),

(3) *Notice No. 3.*—Name and address of the Inspector concerned (Form XIV);

(4) *Notice No. 4.*—Weekly holiday (Form No. XV);

(5) *Notice No. 5.*—Working hours of employees (Form XVI);

(6) *Notice No. 6.*—Time for payment of wages (Form XVII);

Provided that in the case of employment in the Public Motor Transport, the notice Nos. 4, 5 and 6 corresponding to Forms XV, XVI and XVII shall also be exhibited conspicuously on every vehicle.”

(5) for rule 23, the following shall be substituted, namely:—

“23. *Weekly day of rest*—(1) Where a worker in a schedule employment in respect of which minimum rates of wages have been fixed under the Act has worked in the scheduled employment under the same employer for a continuous period of not less than six days, he shall subject to the provisions of this rule, be allowed a day of rest every week (here-in-after referred to as “rest day”) which shall ordinarily be Sunday:

Provided that the employer may fix any other day of the week as the rest day for any workers or class of workers in that scheduled employment:

Provided further that the worker shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of notice to that effect in the place of employment at a place to be specified by the Inspector in this behalf.

Explanation.—For the purpose of computation of the continuous period of not less than six days specified in this sub-rule,

(a) any day on which any worker is required to attend for work but is given only an allowance for attendance and not provided with work; and

(b) any day on which a worker is laid off on payment on compensation under the Industrial Disputes Act, 1947, shall be deemed to be days on which the worker has worked

(2) Any such worker shall not be required or allowed to work in a scheduled employment or the rest day unless he has had or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day:

Provided that no substitution shall be made which will result in the worker working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any worker works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) A worker shall be granted for the rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given as substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages on the substituted rest day at the rate applicable to the next preceding day:

Provided that where the minimum daily rate of wages of the worker as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty six or where the actual daily rate of wages of the worker has been by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages of the worker is not less than the notified minimum daily rate of wages of the worker no wages for the rest day shall be payable, and in case the worker works on the rest day and has been given a substituted rest day, he shall be paid only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate:

Provided further that in the case of a worker governed by a piece-rate scheme, the wages for the rest day, or as the case may be, for the rest day and the substituted rest day, shall be such as the State Government may from time to time specify in this behalf having regard to the minimum rates of wages fixed under the Act in respect of the scheduled employment.

Explanation.—In this sub-rule, “next preceding day” means the last day on which the worker has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day, the next preceding day means the last day on which the worker has worked, which precedes the rest day.

(5) The provisions of this rule shall apply to the worker in scheduled employment other than agricultural employment.

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which a worker may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the worker shall be entitled only to the more favourable terms afore-said-

Explanation.—For the purpose of this rule, “Week” shall mean ‘a period of seven days beginning at midnight on Saturday night’;

(6 for rule 24, the following shall be substituted namely:—

24. “*Number of hours of work that shall constitute a working day.*—(1) The number of hours of work constituting a normal working day shall—

(a) in the case of an adult worker, be nine hours, inclusive of interval for rest as specified in sub-rule (2);

(b) in the case of child, be 4½ hours:

(c) in the case of an adolescent, be 9 hours or 4½ hours as the case may be, according as the adolescent may be certified to work as an adult or a child by a registered medical practitioner approved by the State Government.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than ten and a half hours in any day :

Provided that the Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours.

(4) No woman shall be employed or permitted to work beyond 6-00 p.m. and earlier than 6-00 a.m. during 1st September to the end of February or beyond 7-00 p.m. and earlier than 7 a.m. from the 1st March to 31st August.

(5) The provisions of sub-rule (1) to (4) shall in the case of workmen in agricultural employment be subject to such modi-

fications as may, from time to time be notified by the State Government”;

[7] after rule 24, the following new rule shall be inserted, namely:—

“24-A. The provisions of section 13 (1) and rule 23 and 24 shall apply to the classes of employees specified in section 13 (2) only to the extent and subject to the conditions specified below:—

(1) No worker shall be allowed or required to work continuously for a period of more than fourteen days without a rest day of 24 consecutive hours.

(2) Every worker shall be allowed a substituted rest day within a fortnight of the rest day on which he is allowed or required to work and an intimation thereof shall be sent to the Inspector so as to reach him at least 24 hours before the substituted rest day is allowed.

(3) No worker shall be allowed or required to work for more than 13 hours in a day.

(4) The payment for the work done in excess of the normal working hours fixed in rule 24 shall be made at the overtime rate fixed by the State Government.

(5) A notice of overtime work to be taken from the workers shall be affixed in the premises of the employment before the commencement of the work mentioning the names of the persons put on overtime work and the purpose and duration of such employment. A copy of such notice shall be sent to the inspector concerned within 24 hours of the start of the work.”

(8) Sub-rule (2), (3), (4), (5) and (6) of rule 25 shall be deleted;

(9) Sub-rule (1) of rule 27 shall be substituted by the following, namely:—

“27 (1) A register of wages shall be maintained by every employer and kept in such form as may be notified by the Government and shall include the following particulars.—

(1) the gross wages of each worker for each wage period;

(2) all deductions made from wages, with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of rule 21;

(3) the wages actually paid to each worker for each wages period and the date of payment;

(4) rates of wages payable;

(5) a register of wages shall be maintained by every employer at the work spot in form XI.”;

(1) After sub-rule (5) of rule 27 the following new sub-rule (6), (7), (8), 9, (10) and (11) shall be added, namely:—

“(6) In the case of the employment on “the construction or maintenance of the roads or in building operations” only and in “agriculture”, the owners of such employments may not be required to maintain registers, forms and returns as required under the Act, provided, that

(a) the owner of the house builds a house for his own use, the value of which does not exceed Rs. 30 000 or repairs or alters his own house, the value of which does not exceed Rs. 10,000 at a time.

(2) the owner of the cultivated land, owns a land, the acreage of which is not above 25 acres.

(7) Notwithstanding anything contained in this Rule, where a combined form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, and alternate suitable Form in lieu of any of the forms prescribed under this rule may be used with the previous approval of the Labour Commissioner of the State.

(8) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day—

(a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other cause beyond the control of the employer.

(b) Where an employee works for any period not exceeding 4 hours a day.

(c) Strike or stay in strike.

(9) In the case of interruption brought about by tempest, fire, rain, breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for a normal working day if the interruption occurs at any time before the interval for midday rest. If the interruption occurs after the interval for midday rest, he shall be paid wages for a full normal working day.

(10) If by reason of stoppage of or any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(11) If an employee works for any period not exceeding 4 hours a day he shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day”;

(11) after rule 27—the following new rules 27-A and 27-B shall be inserted, namely—

“27-A-Preservation of registers.—The registers required to be maintained under rule 21 (4) and 27(1) and the muster roll required to be maintained under rule 27(5) shall be preserved for a period of three years after the date on which the latest entry is made therein.

“27-B-Production of registers and other records.—All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector :

Provided that where an establishment has been closed the Inspector may demand the production of the registers and records in his office or such other public place as may be nearer to the employer.”

(12) for the existing Form No. III appended to the said rules, the following Form shall be substituted, namely:—

FORM III
Rule 21(4)
Deduction for wages.

Industry of Emp- loyment.	No. of estab- lish- ments cover- ed under the Act	No. of establish- ments which submitted the return in Form III	Average No. of persons employ- ed— Ad- ults	Ch- ild- ren	No. of days wor- ked during the year	No. of monda- ys wor- ked du- ring the year
1	2	3	4	5	6	7

(13) In form X, appended to the said rules, under the word “Form X” the words and figures “Notice No. 2” shall be added;

(14) for Forms No. XI and XII, the following form shall be substituted, namely Form XI:—

Form XII

FORM X

Notice No. 2

EXTRACTS FROM THE MINIMUM WAGES ACT, 1948
AND THE RULES MADE THEREUNDER.

1. WHOM THE ACT AFFECTS.

(a) the Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum rates of wages have been fixed.

(b) no employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

II. DEFINITION OF WAGES

2. 'Wages' means all remunerations payable to an employed persons on the fulfilment of his contract of employment and also includes house rent allowance. It excludes:—

(i) the value of any house accommodation, supply of light, water, medical attendance or any other amenity or any service extension by general or special order of the appropriate Government.

(ii) contribution paid by the employer to any pension fund, provident fund or under any scheme of Social Insurance;

(iii) the travelling allowance or the value of any travelling concession;

(iv) the sum paid to the person employed to defray special expenses entailed on him by the nature of his employment.

v) Gratuity payable on discharge.

The minimum rate of wages may consist of—

(a) A basic rate of wages and a special allowance called the cost of living allowance.

(ii) A basic rate of wage with or without a cost of living allowance and the cash value of any concessions like supplies of essential commodities at concession rates;

(iii) On all inclusive rate comprising of basic rate cost of living allowance and cash value of concessions, if any;

3. The minimum wages payable to employee of scheduled employment notified under section 5 read with section 3 may be:

(a) a minimum time rate,

(b) a minimum piece rate,

(c) a guaranteed time rate,

(d) a over-time rate; differing with (1) different scheduled employments;

- (2) different classes of work,
- (3) different localities,
- (4) different age groups,

(e) Minimum rates of wages may be fixed by hour, by the day, by the month or by such other larger wage period as may be prescribed.

III. COMPUTATION AND CONDITIONS OF PAYMENT.

The employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less than the minimum rate of wages fixed for the class of employees.

The minimum wages payable under this Act shall be paid in cash unless the Government authorises payment thereof either wholly or partly in kind.

Wages period shall be fixed for the payment of wages at intervals not exceeding one month.

Wages shall be paid on a working day within seven days of the end of the wage period or within ten days if 1000 or more persons are employed.

The wages of a person discharged shall be paid not later than second working day after his discharge.

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with his work for that period.

Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force in respect of each such class.

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed the employer shall pay to such employee wages at not less than the minimum time rate.

IV. HOURS OF WORK AND HOLIDAYS.

The number of hours which shall constitute a normal working day shall be :

- (a) in the case of adult. 9 hours
- (b) in the case of a child. 4½ hours

The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day.

The employer shall allow a day of rest with pay in every period of Seven days. ordinarily, Sundays the first day of the week shall be the holiday.

When a worker works in an employment for more than nine hours on any day or for more than forty eight hours in a week he shall in respect of overtime work be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages and in the case of employment in agriculture at one and a half time the ordinary rate of wage.

V. FINES & DEDUCTIONS :

No deductions shall be made from wages except those authorised by or under the Rules.

Deductions from the wages shall be one or more or the following kinds, namely:—

(i) Fines—An employed person shall be explained personally and also in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him, it shall be such as may be specified by the State Government. It shall be utilised in accordance with the directions of the State Government.

(ii) Deductions for absence from duty.

(iii) Deductions or damage to or loss of goods entrusted to the employee for custody, or for less than money for which he is required to account where such damage or loss is directly attributable to his neglect or default. The employed persons shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be such as may be specified by the State Government.

(iv) Deductions for house accommodation supplied by the employer.

(v) Deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorises. These will not include the supply of tools and protective required for the purposes of employment.

(vi) Deductions for recovery of advance or for adjustment of over payment of wages; such advances shall not exceed an amount equal to wages for two calendar months of the employed persons and the monthly instalment of deductions shall not exceed one fourth of the wages earned in that month.

(vii) Deductions of income tax payable by the employed persons.

(viii) Deduction required to be made by order of a court or other competent authority.

(ix) Deductions for subscriptions to and for repayment of advances from any provident fund.

(x) Deduction for payment to cooperative societies or to a scheme of insurance approved by the Central or State Government.

VI. MAINTENANCE OF REGISTER & RECORDS :

Every employer shall maintain a register of wages in the form XI prescribed.

Every employer shall issue wages slips in form XII containing prescribed particulars to every person employed.

Every employer shall get the signature or the thumb impression of every person employed on the wage-book and wage slip. Entries in the wage books and wage slips shall be properly authenticated by the employer or his agent. A Muster Roll shall be maintained by every employer and kept in the form V.

Every employer shall keep exhibited at such place selected by the inspector, notices in English and in languages understood by a majority of the workers of the following particulars in a clean and legible form :

(a) Minimum rates of wages.

(b) Extracts from the Acts and Rules made thereunder.

(c) Name and address of the Inspector.

VII. INSPECTIONS

An inspector can enter in any premises and can exercise powers of inspections (including examination of documents and taking evidence) as may deem necessary for carrying out the purpose of the Act. The Inspector can also seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act. Any person require to produce any document or thing or to give any information by an Inspector shall be deemed to be legally bound to do so within the meaning of sections 175 and section 176 of the Indian Penal Code.

VIII. CLAIMS AND COMPLAINTS :

Where an employee is paid less than the minimum rates of wages fixed for his class of work or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the authority appointed for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that

applicant had sufficient cause for not making the application within such period.

Any legal practitioner, official of a registered Union, Inspector under the Act or other person acting with the permission, the Authority can make the complaint on behalf of an employed person.

A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wages under section 22 of the Act can be made to the court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under section 22 of the Act can be made to the court only by or with the sanction of an inspector within six months of the date on which the offence is alleged to have been committed.

IX. ACTION BY AUTHORITY :

When any application under sub-section (2) of section 20 is entertained the Authority shall hear the applicant and the employee or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under the Act, direct:—

(i) in the case of claim arising out of payment of less than the minimum rate of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit not exceeding ten rupees and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

X. PENALTIES FOR THE OFFENCE UNDER THE ACT.

An employer who pays to an employee less than the Minimum rates of wages or less than the amount due to him under the provisions of the Act or contravenes any rule or order regarding hours for a normal working day, etc. shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend five hundred rupees, or with both.

Any employer who contravenes any provision of the Act or any rule made thereunder shall if no other penalty is provided for such contravention by the Act, be punishable with the fine which may extend to five hundred rupees. The authority in imposing such fine shall also take into consideration the amount of any compensation already awarded in any proceedings already held before the Authority.

Offence by Companies.—Where an offence under this Act has been committed by a company and it has been proved that the offence has been committed with the consent or connivance of or is attributed to any neglect on the part of any director, manager, secretary or other officer of the company shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Company here means any body corporate and includes firms or other associations of individuals. Director here means a partner in the firm.

XI. COGNIZANCE OF OFFENCES:

No Court shall take cognizance of a complaint against any person for any offence in cases of less payment than the minimum rates of wages fixed or less than the amount due unless an application in respect of the facts constituting such offence has been presented before the Authority and has been granted wholly or in part and the Government or any other officer authorised by the Government in this behalf has sanctioned the making of such complaint and in cases of contravention of any rule or order made regarding hours for a normal working day or for not providing for a day of rest or for not providing payment for work on a day of rest unless the complaint has been made by or with the sanction of the Inspector and the complaint in either of the cases has been presented before the court within one month of the making of the said sanction and for all other contraventions of the provisions of the Act, or of any rule or order made thereunder unless the complaint has been made by or with the sanction of the Inspector and the same has been presented within six months of the date on which the offence is alleged to have been committed.

MINIMUM RATES OF WAGES FIXED

Name of undertakings. ;

S.No.	Category of employees	Minimum rates of wages.
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XIII. NAME AND ADDRESS OF THE INSPECTOR(S)

Address

XI

FORM

XII

Name of establishment.....

Place.....

Register of Wages, Rule 27 (1)

Wage Slips, Rules 27 (2)

Name of the worker	Wage period	Minimum rates of wages payable under the Act	Actual rate of wages paid	Days worked (B)
1	2	3	4	5
Actual wages paid on the basis of columns 4 & 5	Any other allowance not included in column 6	Cross wages payable (total of columns 6 & 7)	Deductions if any	Kinds of deductions
6	7	8	9	10
Actual net wages paid (difference of Cl. 8 & 9)	Date of payment		Signature or thumb impression of the worker	
11	12		13	

(A) If any concessions are payable to a worker as part of minimum wages fixed under the Minimum Wages Act, 1948, they should be included in this column, concessions being expressed in term of money;

(B) If the number of days worked is not the same as the number of days for which payment has been made, the letter should be shown in column 5.

Signature of the employer or any person authorised by him.

Dated

(14) After Form No. XI/XII The following Form XIII, XIV, XV, XVI and XVII shall be added.

FORM No. XIII

See Notice I

Rates of minimum wages fixed under the Minimum Wages Act, 1948.

(To be fixed in a conspicuous and convenient place.)

Government Order No.....Dated.....

Employments/s.....monthly and daily rates of wages
or table of wages.

Signature of employer.....

Dated.....

FORM No. XIV

Notice No. 3

Name and address of the Wages Inspector.

(Section 18(2), rule 22)

(To be fixed at such place as may be selected by the Inspector
and maintained in a clean and legible condition.)

Name of the Wages
Inspector.

Address of the Wages
Inspector.

Signature of employer.

Dated.....

FORM No. XV

Notice No. 4

Weekly Holiday.

(Section 18(2), rule 23)

(To be fixed in conspicuous and convenient place.)

1. Name of employment
2. Name of the establishment or concern
3. Address....

Serial
No.

Name of the workers

Day on which weekly holi-
days is allowed.

Signature of employer.

Dated.....

FORM No. XVI

Notice No. 5

Working hours of workers.

(Section 18 (2), rule 24)

(To be fixed in a conspicuous and convenient place.)

1. Name of the employment.....
2. Name of the establishment or concern
3. Address.....

Serial
No.

No. or name
of the Workers

Whether
adult or
child

Adolescent

Work
begins

Rest interval or intervals		Work end	Hours of work	Hours of rest	Spread over.
From	To				

Signature of employer

Dated

FORM No. XVII

Notice No. 6

Time of payment of wages.

(Section 18(2), rule 21.)

(To be fixed in a conspicuous and convenient place.)

1. Name of the employment
2. Name of the establishment or concern
3. Address

S rial No.	No. or name of the worker's	Wage Period	Date of the payment of wages.
1	2	3	4

Signature of employer

Dated.....

Rajasthan Minimum Wages (Undisbursed Amounts) Rules, 1961.

Labour Department

NOTIFICATION

Jaipur, 25th July, 1962.

No. F. 3(31) Lab/60.—In exercise of the powers conferred by section 30 read with section 22D of the Minimum Wages Act 1948 (Act 11 of 1948), the State Government hereby makes the following rules, the same having been previously published in the Rajasthan Rajpatra Part III (B) dated the 8th September, 1961 as required by section 30 of the said Act.

1. *Short title*.—These rules may be called the Rajasthan Minimum Wages (Undisbursed Amounts) Rules, 1961.

2. *Definition*.—In these rules, unless there is anything repugnant in the subject or context :—

(a) "Act" means the Minimum Wages Act, 1948;

(b) "Authority" means the officer appointed under sub-section (1) of section 20 of the Act;

(c) "financial year" means the year commencing on the 1st day of April and ending on 31st March;

(d) "Section" means a section of the Act;

(e) "Treasury" means a treasury maintained and run by the Government of Rajasthan and includes a sub-treasury.

3. *Undisbursed amounts to be deposited with authority*.—(1) All amounts payable by an employer to the employee as the amount of minimum wages of the employee under the Act or otherwise due to the employee under the Act or any rule or order made thereunder shall, if such amount could not and cannot be paid to the employees on account of his death before payment or on account of his whereabouts not being known be deposited with the Authority within three months from the date when the amount of minimum wages or other amount otherwise due as aforesaid became payable to the employee concerned.

(2) An employer depositing the amount with the Authority under sub-rule (1) shall furnish therewith a Statement in Form 'A' and the Authority shall give a receipt in Form 'B' for the amounts so deposited.

4. *Amounts unclaimed for three years to be credited to State Government*.—Where any employee to whom the amount is payable or any person entitled to claim it on his behalf fails to draw it from

the Authority within a period of three years from the date on which the amount is deposited with the Authority under rule 3, the amount shall, at the end of each financial year, be paid to the Treasury to the credit of the State Government as deposited unclaimed, for eventual benefit of any person who may duly established his claim thereto.

5. *List of amounts unclaimed to be posted in the office of the authority.*—(1) In the month of January each year, a list showing the amounts which at the end of financial year will be due for being credited to the State Government under rule 4 and the names of the persons to whom the said amounts are payable, shall be posted in the office of the Authority.

(2) If the said amounts are not claimed by any person before the 25th March in that year, the Authority shall deposit the same into the Treasury to the credit of State Government before the 31st day of March in that year.

(3) In the month of April following, the Authority shall furnish to the Accountant General, Rajasthan, a statement of all the amounts credited to the State Government, showing separately the said amounts in serial order, the names of persons to whom they were payable and the dates on which the said amounts were payable and the dates on which the said amounts were credited to the State Government.

6. *Refund.*—If any person proves to the satisfaction of the Authority that he is entitled to any amount credited to the State Treasury under rule 4, the Authority shall make an application in Form C to the Accountant General, Rajasthan for the refund of the said amount and the Accountant General shall refund of the Authority after verifying that it has been received by him and was credited to the State Treasury under rule 4.

FORM 'A'

[See Rule 3(2)]

(Deposit of amounts payable to the Employee)

Amount of Rs..... (Rupees.....)

is hereby presented for deposit as required by section 22 of the Minimum Wages Act, 1948, which was payable to Shri/Shrimati/Kumari/..... residing at..... on 19..... but remained undisbursed on account of his/her death, which occurred on..... and his/her whereabouts are not known.

Place

Dated

Signature of Employer,
Name of the establishment.

FORM 'B'

[See Rule 3 (2)]

(Amount deposited under Section 22D of the
Minimum Wages Act, 1948)

Book No.....Receipt No.....
Name of the depositor
Name of the establishment for which the depositor is
Employer
In favour of... ..
Amount deposited Rs(Rupees).....
Date of deposit.....
Place.....

Authority,
Under Minimum Wages Act.

FORM 'C'

(See Rule 6)

(Application for refund)

Office of the Authority.
Under the Minimum Wages Act, 1948.
Dated.....196 .

To,
The Accountant General,
Rajasthan, Jaipur.

Sir,

I have the honour to report that a claim has been preferred
by..... for an amount of Rs
.....(Rupees... ..) bearing serial No.....
of 19.....in the statement furnished to you under
sub-rule (2) of rules 5 of the Rajasthan Minimum Wages (Undis-
bursed Amounts) Rules, 1961 which was credited to the State
Government Treasury/Sub-TreasuryON.....

2. I have satisfied myself of the validity of the Claim and
request that the Treasury Officerbe authorised,
to refund the said amount.

Yours faithfully,
Authority
Under Minimum Wages Act.
By Order of the Governor,
D. GOSWAMI,
Deputy Secretary to the Government.

Notifications under

THE MINIMUM WAGES ACT, 1948.

Published in Raj. Raj-patra part I (b) dated May 7, 1959 at page 91-92

Industries (C) Department

NOTIFICATIONS

Jaipur, February 4, 1959.

No. F. 1 (92)/Lab./58.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in Employment on the construction or maintenance of Roads or in Building operations by Notification No. F. 1 (92)/Lab/57, dated the 3rd December, 1957 in the Rajasthan Raj-patra of the 22nd January, 1958.

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. 11 of 1948) the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in aforesaid Establishment as specified in the Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No.	Category of worker	Minimum rate of wages	
		per day	per month
1. Adult Male worker	Rs. 1/8/-	Exclusive Rs. 45/-	Inclusive
2. Adult Female worker	Rs. 1/8/-	of weekly Rs. 45/-	of weekly
3. Child Male worker	Rs. 1/4/-	days of Rs. 37/8/-	days of
4. Child Female worker	Rs. 1/4/-	rest. Rs. 37/8/-	rest.

2. Notwithstanding anything contained herein, if, on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

(Labour Section)

Jaipur, February 5, 1959.

No. F. 1 (92)/Lab./57.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in any mica works other than mica mines

by Notification No. F. 1 (92)/Lab/57, dated the 3rd December, 1957 in the Rajasthan Rajpatra of the 2nd January, 1958.

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. 11 of 1948), the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in aforesaid Establishment in the State of Rajasthan excluding former Ajmer State as specified in the Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No.	Category of worker.	Minimum rate of wages.	
		per day	per month
1. Adult Male worker	Rs. 1/8/-	Exclusive of weekly days of rest.	Inclusive Rs. 45/-/- of weekly days of rest.
2. Adult Female worker	Rs. 1/8/-		
3. Child Male worker	Rs. 1/4/-		
4. Child Female worker	Rs. 1/4/-		

2. Notwithstanding anything contained herein, if, on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

Jaipur, February 5, 1959.

No. F. 1 (92)/Lab/58.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in Stone Breaking or Stone Crushing Industry by Notification No. F. 1 (92)/Lab/57, dated the 3rd December, 1957 in the Rajasthan Rajpatra of the 22nd January, 1958.

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. 11 of 1948) the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in the aforesaid Establishment as specified in the Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No.	Category of worker	Minimum rates of wages			
		per day		per month	
1. Adult Male worker	Rs. 1/8/-	Exclusive	Rs. 45/-/-	Inclusive	
2. Adult Female worker	Rs. 1/8/-	of weekly	Rs. 45/-/-	of weekly	
3. Child Male worker	Rs. 1/4/-	days of	Rs. 37/8/-	days of	
4. Child Female worker	Rs. 1/4/-	rest.	Rs. 37/8/-	rest.	

2 Notwithstanding anything contained herein, if, on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

Jairpur, February 6, 1959.

No. F. 1 (92)/Lab./58.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in any Woollen Carpet Making or Shawl Weaving Establishment by Notification No. F. 1 (92)/Lab/57, dated the 3rd December, 1957, in the Rajasthan Rujpatra of the 2nd January, 1958.

And whereas no representations in respect of the said proposals were received by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. 11 of 1948) the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in the aforesaid Establishment, as specified in the Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No.	Category of worker	Minimum rates of wages			
		per day		per month	
1. Adult Male worker	Rs. 1/8/-	Exclusive	Rs. 45/-/-	Inclusive	
2. Adult Female worker	Rs. 1/8/-	of weekly	Rs. 45/-/-	of weekly	
3. Child Male worker	Rs. 1/4/-	days of	Rs. 37/8/-	day of	
4. Child Female worker	Rs. 1/4/-	rest.	Rs. 37/8/-	rest.	

2. Notwithstanding anything contained herein, if on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

Jaipur, February 21, 1959.

No. F. 1 (92)/Lab./57.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in any Tobacco (including Bidi making) manufactory by Notification No. F. 1 (92)/Lab./57, dated the 3rd December, 1957 in the Rajasthan Rajpatra of the 2nd January, 1958;

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in the aforesaid Tobacco (including Bidi making) manufactory, as specified in the Schedule below, in the reorganised State of Rajasthan excluding the area comprising the erstwhile State of Ajmer, the rates fixed by the former State of Ajmer would continue.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No	Category of worker	Minimum rates of wages	
		per day	per month
1. Adult Male worker	Rs. 1/8/-	Exclusive of weekly	Rs. 45/-/-
2. Adult Female worker	Rs. 1/8/-	days of	Rs. 45/-/-
3. Child Male worker	Rs. 1/4/-	rest.	Rs. 37/8/-
4. Child Female worker	Rs. 1/4/-		rest.

2 Notwithstanding anything contained herein, if on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

Jaipur, March 9, 1959.

No. F. 1 (92)/Lab./57.—In exercise of the powers conferred by sub-clause (1) of clause (a) of sub-section (1) of section (3) read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (As amended by Act XXX of 1957) the Governor of Rajasthan after considering all representations and suggestions received on this behalf within the time specified in the Government Notification No. F. 1 (92)/Lab./57, dated the 3rd December, 1957 published in accordance with clause (b) of sub-section (1) of section 5 of the above said Act in the Rajasthan Rajpatra dated the 19th December, 1957, hereby fixes the Minimum rates of wages within the meaning of clause (iii) of sub-section (1) of section 4 of the said Act, payable

to the employees employed in "Employment in Public Motor Transport" in the State of Rajasthan (as recognised) under the States Re-organization Act, 1956 as specified in the Schedule, hereto annexed which shall come into force on and from the expiry of two months from the date of publication of the Notification.

SCHEDULE

S.No.	Category of worker	Minimum rates of wages.	
		per day	per month
1. For Driver	Rs. 2/8/-	Exclusive Rs. 75/-/-	Inclusive
2. For Conductors and Plying chechers	Rs. 1/12/-	of weekly Rs. 52/8/-	of weekly
3. For Cleaners, Peons, Khalasis, Waterman etc.	Rs. 1/8/-	days of rest. Rs. 45/-/-	days of rest.
4. Clerks.	Rs. 2/-/-		Rs. 60/-/-

2. Notwithstanding anything contained herein, if on the day the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages fixed in respect of him.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra part I (b) dated June 4, 1959 at page 173-74

Industries (C) Department

NOTIFICATIONS

Jaipur, April 18, 1959.

No. F. 1 (86)/Lab/57.—In exercise of the powers conferred by section 7 of the Minimum Wages Act, 1948 (Act XI of 1948) as amended up-to date and for carrying out the purposes specified in the said section, the State Government hereby appoints an Advisory Board consisting of the following members, for the reorganised State of Rajasthan. This super-eded notifications No. 9/8/54Lab, dated 8th July, 1955 of the erstwhile State of Ajmer Government and No. F. 15 (2) Lab./51, dated the 6th November, 1955 of the prereorganised State of Rajasthan.

Independent Persons:—

1. The Chief Engineer, P.W.D. (B.&R.), Rajasthan, Jaipur.
2. The Commissioner Excise and Taxation, Rajasthan, Jaipur.
3. Shri R. N. Bagchi, Director, Economic Survey, Jaipur.
4. Shri Brij Sunder Sharma, Advocate, Jaipur.

5. Shri Brij Mohan Lal Sharma, M. L. A., Diggi Mohalla, Berwar.
6. The Director of Local Bodies, Rajasthan, Jaipur.
7. The Director of Agriculture, Rajasthan, Jaipur.
8. The Transport Commissioner, Rajasthan, Jaipur.
9. Labour Commissioner, Rajasthan, Jaipur, (Chairman).
10. Assistant Labour Commissioner (Labour Laws).

*Employers Representatives**Employment to which
they belong*

- | | |
|--|---|
| 1. Shri Shiv Charan Mathur, General Manager, Bhopal Mining Works, Bhilwara. | Employment in any Mica Works. |
| 2. Shri Brij Narain, Managing Agents, Bundi Elec. Supply Co. Ltd, Bundi | Employment in Public Motor Transport. |
| 3. Shri K. bhaya Lal, Prop. Murli Manohar Kanhaiya Lal Bidi Factory, Bundi. | Employment in any tobacco (including bidi making) Manufactory. |
| 4. Shri Madhu Sudan, Manager, Jai Bharat Oil Mills, Khairthal (Alwar) | Employment in any Oil Mill. |
| 5. Chirman, Municipal Committee, Ajmer. | Employment under any Local Authority. |
| 6. Shri Bhom Singh Ghalot, Secy. P. W. D. Contractors' Association, Jodhpur. | Employment on the construction or the maintenance of roads or in building operations. |
| 7. Seth Shri Hira Bhai, M. Parikh, Managing Director, Associated Stone Industries Ltd., Ramganj Mandi, Kota. | Employment in Stone Breaking or Stone Crushing. |
| 8. Seth Sardar Mal Thanvi, Partner, Kitabghar, Jodhpur. | Employment in Printing Presses. |
| 9. Shri Jugraj Sethia, C/o Bikaner Wollen Press, Udystrauk Area, Bikaner. | Employment in Wool Cleaning, Bailing and Pressing Establishments. |
| 10. Shri S.M. Mabnot, C/o The Ganganagar Industries, Ltd., Shriganganagar. | Employment in Cotton Ginning and Pressing Establishments. |
| 11. Shri Kalash Chandra Sogani, C/o Krishna Mills Ltd., Berwar (Ajmer) | Employment in Cotton Textile Industry. |
| 12. Shri Guman Mal Barjatiya, C/o M/s. Chand Mal Guman Mal Gotwala, Naya Bazar, Ajmer. | Employment in Gota Kinari Establishments. |
| 13. Shri Abdul Janu Khan, Sardar Market, Jodhpur. | Employment in Rice Mill, Flour Mills Or Dal Mills. |
| 14. Thakur Rao Narain Singh, M.L.A. Masuda, Ajmer. | Employment in Agriculture. |

- | | |
|--|---|
| 15. Shri Anand Biharilal, Manager, East Carpet Factory, Jaipur. | Employment in any Wool Carpet making and Shawal Weaving establishment. |
| 16. Shri R. C. Vyas, M. P. President Khan Mazdoor Congress, Bhilwara. | Employment in any Mica Works. |
| 17. Shri Ashraf Fozdar, General Secretary, Jodhpur Region Motor Mazdoor Union, Jodhpur. | Employment in Public Motor Transport. |
| 18. Shri Mohamed Sultan, Secy., Tonk Bidi Workers' Union, Tonk. | Employment in any tobacco (including bidi making) Manufacturies |
| 19. Shri Bashir Ahmed C/o Bhagwan Oil Mills, Kota City, Kota. | Employment in any Oil Mills. |
| 20. Sari Ayodhya Nath Chaturvedi, General Secretary, Nagarpalika Karamchari Sangh, Kota. | Employment under any Local Authority. |
| 21. Shri Hira Lal Jain, President, Rajasthan, P. W. D. Workers' Federation, Kota. | Employment on the construction or the maintenance of Roads or in Building Operations. |
| 22. Shri Ram Chandra Solanki, Makrana Marble Mazdoor Union, Makrana, (Jodhpur). | Employment in Stone Breaking or Stone Crushing Industry. |
| 23. Shri Mahadeo Prasad Verma C/o Press Workers Union, Ajmer. | Employment in Printing Presses. |
| 24. Shri Huzari Lal Panwar, Mohalla Regran near Gopalji Mohalla, Beawar. | Employment in Wool Cleaning, Bailing and Pressing Establishments. |
| 25. Shri Juzal, Engine Driver C/o Ganganagar Industries, Sriganganagar. | Employment in Cotton Ginning and Pressing Establishments. |
| 26. Shri Mohammed Saddique, C/o Rashtriya Mill Mazdoor Sangh, Bijainagar (Ajmer). | Employment in Cotton Textile Industry. |
| 27. Shri Nazir Ahmed S/o. Pirbux, Imam Chowk, Village Bhainai (Ajmer). | Employment in Gota Kinari Establishments: |
| 28. Shri Mahavir Prasad, Advocate, Kota. | Employment in any Rice Mill, Flour Mill or Dal Mill. |
| 29. Mrs. Prabha Mishra, M.L.A., Alwar Gate. Ajmer. | Employment in Agriculture. |
| 30. Shri Gulab Khan Mistry, Krishan Kapoor Carpet Factory, Chesia ka Bagh, Jaipur. | Employment in any Wool carpet making and shawal weaving establishments. |

The Labour officer, Jaipur will act as the secretary to the Board.

Jaipur, April 24, 1959.

No. F. 1 (92)/Lab./57.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment in any mica works so far as it relates to mica mines within the State by Notification No. F. 1 (92)/Lab./57, dated the 3rd December, 1957 in the Rajasthan Rajpatra of the 2nd January, 1958 and whereas the President has delegated functions of the Central Government to the Government of Rajasthan to the review and revisions of minimum rates of wages for employees employed in Mica Mines situated within the State;

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. 11 of 1948) the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in mica mines in the State of Rajasthan excluding former Ajmer State as specified in the Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the official gazette.

SCHEDULE

S. No.	Category of workers	Minimum rates of wages per day.
1.	Adult worker.	Rs. 1/5/- Exclusive of weekly days of rest.

Notwithstanding anything contained herein, if on the day the aforesaid rate come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rate of wage fixed in respect of him.

By Order of the Governor,
A. K. Roy,
Secretary to the Government.

Published in Raj. Rajpatra part I (b) dated July 9, 1959 at page 205-206

NOTIFICATION

Jaipur, June 3, 1959.

No. F. 1 (92) Lab./57.—Whereas the Government of Rajasthan published the proposals of the minimum rates of wages in respect of employment under any local authority by Notification No. F. 1. (92)/Lab./57/7715. dated the 3rd December, 1957 in the Rajasthan Rajpatra of the 2nd January, 1958;

And whereas the representations received in respect of the said proposals have been considered by the Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No. XI of 1948), the Government of Rajasthan hereby fixes the following minimum rates of wages within the meaning of clause (III) of sub-section (1) of section 4 of the said Act in respect of the employment under the local authorities specified in the schedules appended to this notification, in the reorganised State of Rajasthan, excluding the area comprising the erstwhile State of Ajmer, where the rates of wages fixed by the former State of Ajmer would continue:—

A. Wages in respect of the employees under the local authorities specified in the Schedule I.

S.No.	Category of workers	Minimum rates of wages.	
		per day	per month
1. Adult Male worker.	Rs. 1/8/-	Exclusive	Rs. 45/- Inclusive of
2. Adult Female worker.	Rs. 1/8/-	of weekly days of rest.	Rs. 45/- weekly days of rest.
3. Child Male worker.	Rs. 1/4/-	-do-	Rs. 37.50 nP. -do-
4. Child Female worker.	Rs. 1/4/-	-do-	Rs. 37.50 nP. -do-

B. Wages in respect of the employees under the local authorities specified in the Schedule II.

S.No.	Category of workers	Minimum rates of wages	
		per day	per month
1. Adult Male worker.	Rs. 1/4/-	Exclusive of weekly days of rest.	Rs. 37/8/- Inclusive of weekly days of rest.
2. Adult Female worker.	Rs. 1/4/-	-do-	Rs. 37/8/- -do-

C. Wages in respect of the employees under the local authorities specified in the Schedule III & IV.

S No.	Category of workers	Minimum rates of wages	
		per day	per month
1.	Adult Male worker.	Rs. 1 1/2/- Exclusive of weekly day	Rs. 33/75/- Inclusive of week days
2.	Adult Female worker.	Rs. 1 1/2/- of rest.	Rs. 33/75/- of rest.

Notwithstanding, anything contained herein, if on the day of the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day, shall be the minimum rates of wages fixed in respect of him.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette

SCHEDULE I

Corporations.

1. Udaipur.

City Municipalities.

2. Jaipur.

3. Jodhpur.

4. Bikaner.

5. Alwar.

21. Barmer.

22. Pratappgarh.

23. Bhilwara

24. Banswara

25. Kotah

26. Baran

27. Bundi

28. Gajsinghpur.

29. Raisinohagar.

30. Hanumangarh

31. Sangaria

32. Suratgarh.

II and other Grade Municipalities

SCHEDULE II

6. Kishangarh.

7. Bijainagar.

8. Sambhar.

9. S kar.

10. Tonk.

11. Bharatpur.

12. Churu.

13. Ratangarh.

14. Sujangarh.

15. Sardarshahar.

16. Ganganagar.

17. Karanpur.

18. Pali.

19. Abu Road.

20. Mount Abu.

1. Chomu

2. Bandikui

3. Kotputli

4. Laxmangarh

5. Fatehpur

6. Ramgarh

7. Gangapur (Sawai Madhopur)

8. Hindaun

9. Karauli

10. Malpura

11. Rajgarh (Alwar)

12. Dholpur

13. Baryana

13. Kama

15. Bari
16. Rajgarh (Churu)
17. Dungargarh
18. Rajaldesar
19. Nohar
20. Phalodi
21. Nagaur
22. Jalore
23. Bhinmal
24. Balotra
25. Sirohi.

13. Taranagar
14. Bidasar
15. Hindumalkot
16. Deedwana
17. Ladnwer
18. Makrana
19. Kuchamancity
20. Bali
21. Sojat
22. Badi Sadri
23. Nathdwara.

26. Jaisalmer
27. Dungarpur.
28. Nimbahera
29. Chittorgarh
30. Shahpura
31. Jhalawar
32. Sarwar
33. Neem-ka-Thana
34. Newai
35. Kherli
36. Nadbai
37. Bhadra
38. Merta
39. Kapasin.
40. Ramganjmandi
41. Bhawani Mandi
42. Jhalrapatan.

SCHEDULE III

1. Dausa
2. Srimadhampur.
3. Jhunjhunu
4. Nawalgarh
5. Pilani
6. Mandawa
7. Chirawa
8. Udaipurwati
9. Sawai Madhopur
10. Deeg
11. Gangashahar
12. Deshnok

SCHEDULE IV

1. Lalsote
2. Naraina
3. Amber
4. Banswa
5. Phulera
6. Jodhpur
7. Bairath
8. Chaksu
9. Khandela
10. Losal
11. Danta
12. Surajgarh
13. Mukandgarh
14. Bisseau
15. Baggar
16. Khetri
17. Todabhim
18. Uniara
19. Todaraisingh
20. Tijara
21. Kumbhar
22. Nagar
23. Weir
24. Bhusawar
25. Rajakheda
26. Nokha
27. Napasar
28. Bhinasar
29. Chhapar.
30. Ratannagar
31. Anoopgarh
32. Pokaran

- | | |
|-----------------|-------------------------|
| 33. Nawa | 43. Begun. |
| 34. Parbatsar | 44. Gangapur (Bhilwara) |
| 35. Sheoganj | 45. Kushalgarh |
| 36. Pindwara | 46. Chhabra |
| 37. Rajasamand | 47. Indergarh |
| 38. Deogarh | 48. Keshoraipatan |
| 39. Salumber | 49. Nainwa |
| 40. Sagwara | 50. Lakheri |
| 41. Galiakot | 51. Pidnwa |
| 42. Chhotisadri | 52. Suneltappa |

Published in Raj. Raj-patra part I (b) dated September 17, 1959 at page 301

Industries (C) Department

NOTIFICATION

Jaipur, August 13, 1959.

No. D. 5514/F. 3 (42)/Lab./59.—In exercise of the powers conferred by clause (C) of section 2 of the Minimum Wages Act, 1948 (Central Act XI of 1948) and in supersession of this Department Notification No. F. 1 (12) Lab./57 dated the 29th April, 1957 the Government of Rajasthan hereby appoints the Director of Economics and Statistics, Rajasthan to be the competent Authority for ascertaining the cost of living index numbers, applicable to the employees employed in the scheduled employments in the State of Rajasthan.

By Order of the Governor,

A. K. ROY,

Secretary to the Government.

Published in Raj. Raj-patra part IV (c) dated May 12, 1960 at page 23

Industries (C) Department

NOTIFICATIONS

Jaipur, May 12, 1960,

No D 5176/F. 5 (11)/Ind. (C)/60. In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (Central Act No. XI of 1948), the Government of Rajasthan hereby directs that for a period of one year, commencing from the date of its publication in the Rajasthan Rajpatra, the provisions of the aforesaid Act shall not apply to all class of employees employed in the Edwards Mills Co. Ltd., Beawar where the said Act applies.

Notifications under

MINIMUM WAGES ACT, 1948.

Published in Raj. Raj-patra part IV (c) dated April 26, 1962 at page 123-124 :

Labour Department

NOTIFICATIONS

Jaipur, February 1, 1962.

Nb. F. 3 (20)/Lab./61.—In exercise of the powers conferred by sub-section (1) of section 20 of the minimum Wages Act, 1948 (Central Act 11 of 1948), which has been delegated by the Central Government to the State Government by means of Ministry of Labour & Employment Notification No. LWI-1-2 (21)/58, dated the 23rd September, 1959 and in supersession of Rajasthan Government Notification No. F. 15 (3)/Lab/55, dated the 28th March, 1955, the State Government of Rajasthan hereby appoints the Labour Commissioner, Rajasthan to be the authority competent to hear and decide claims arising out of payment of less than the minimum rates of wages or in respect of the Payment of remuneration for weekly days of rest or for work done on such days under clause (b) or (c) of sub-section (1) of section (13) of the said Act or in respect of Wages Payable at the overtime rate of Wages under section 14 of the said Act, to employees employed in any Scheduled employment within the State of Rajasthan for which the Central Government is the appropriate Government.

Jaipur, February 14, 1962.

No. F. 3 (123)/Lab./61.—In exercise of the powers conferred by sub-section (1) of section 22F of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the State Government hereby directs that all the provisions of the payment of Wages Act, 1936 (Central Act 4 of 1936) shall apply to wages payable to employees of the following schedule employments, with effect from the date of publication of this notification in the Official Gazette namely :—

1. Employment in any woollen carpet making or shawl weaving establishment.
2. Employment in any rice mill, flour mill or dal mill.
3. Employment in any tobacco (including bidi making) manufactory.
4. Employment in any oil mill.
5. Employment under any local authority.
6. Employment on the construction or maintenance or road and building operations.
7. Employment in stone breaking or stone crushing.
8. Employment in any mica works.
9. Employment in public motor transport.

Published in Raj. Raj-patra part IV (c) dated November 22 1962 at page 596-597:

Jaipur, October 15, 1962.

No. F. 3 (109) Lab./61.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) and in supersession of this Department Notifications specified below; the State Government hereby appoints the following officers to be Inspectors for the purpose of the aforesaid Act, they shall exercise their functions within the local limits as specified against each, namely:—

2 1 **Notifications under Minimum Wages Act, 1948**

1. Deputy Labour Commissioner (Laws) Rajasthan, Jaipur For whole of Rajasthan.
2. Labour Officer, Jaipur ... For Jaipur, Sawaimadhopur, Alwar and Bharatpur Districts.
3. Labour „ Ajmer ... For Ajmer, Sikar and Jhunjhunu Districts.
4. Labour „ Kota ... For Kota, Bundi, Jhalawar and Tonk Districts.
5. Labour „ Jodhpur For Jodhpur, Pali, Sirohi, Barmer, Jalore and Jaisalmer Districts.
6. Labour „ Bikaner For Bikaner, Shriganganagar, Churu and Nagaur Districts.
7. Labour „ Bhilwara For Bhilwara, Chittorgarh, Udaipur, Dungarpur and Pratapgarh Districts.
8. Minimum Wages Inspector, Jaipur For Jaipur and Alwar Districts.
9. Minimum Wages Inspector, Sawaimadhopur For Sawaimadhopur and Bharatpur Districts.
10. Minimum Wages Inspector, Ajmer For Ajmer, Sikar and Jhunjhunu Districts.
11. Minimum Wages Inspector, Kota For Kota and Jhalawar District.
12. Minimum Wages Inspector, Bundi For Bundi and Tonk Districts.
13. Minimum Wages Inspector, Jodhpur For Jodhpur, Pali, Sirohi, Barmer, Jalore and Jaisalmer Districts.
14. Minimum Wages Inspector, Bikaner For Bikaner, Churu and Nagaur Districts.
15. Minimum Wages Inspector, Shriganganagar For Shriganganagar District.
16. Minimum Wages Inspector, Bhilwara For Bhilwara and Chittorgarh Districts.
17. Minimum Wages Inspector, Udaipur For Udaipur, Dungarpur and Pratapgarh Districts.

This Notification supersedes the following Notifications.

1. No. F. 3 (6) Lab./58 dated.....June, 1958.
2. No. D. 5271/F. 15 (11) Lab./54 dated 11-12-1958.
3. No. 1/36/57/Lab./4508 dated 13-7-1957.
4. No. F. 15 (11) Lab /54 dated 24-11-1957.

By Order of the Governor,
S. P. SINGH,
Secretary to the Government,

Notifications under

MINIMUM WAGES ACT, 1948

Jaipur, March 20, 1963.

No. F. 3 (109) Lab./61.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), and in partial modification of this Department Notification No. F. 3 (109) Lab. 61, dated the 15th October, 1962 the State Government hereby appoints Minimum Wages Inspector Jaipur as Inspector for Jaipur City, for the purpose of the said Act for employments covered by part I and II of the Schedule of the said Act

By Order of the Governor,
S. P. SINGH BHANDARI,
Secretary to the Government.

[Pub. in Raj. Gaz. 4 (C)—Dt. 4-4-63 at Page 1]

Labour & Employment Department

Jaipur, February 24, 1965

Notification No. F. 3 (5) Lab /63.—In exercise of the powers conferred by section 3, read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948, amended upto date), after adopting the procedure laid down therein, the State Government hereby revises for the whole of the State of Rajasthan, as specified in the Schedule given below, in respect of any employment in public Motor Transport, the minimum rates of wages fixed vide Government of Rajasthan Notification No. F. 1 [92] Lab./57 dated 9th March, 1959, namely:—

SCHEDULE

Categories of employees	All inclusive minimum rates of wages per month
1	2
<hr/>	
[A] UNSKILLED (adult male & female workers Peons, Chowkidars, Watermen, Petrol boys, Loaders and other unskilled employees [including Class IV Servants])	Rs. 60/-
(B) SEMI-SKILLED Helpers [Workshop], Helper-fitters and Assistant Painters.	85/=

1	2
(C) SKILLED	
Mechanics, Turners, Fitters, Blacksmith, Artisans, Carpenters, Coachbuilders, Vulcanisers, Electroplaters, Batterymen, Mochies, Welders-cum-fitters, Painters, Tinmen, Upholsters, Electricians.	100/-
(D) TRAFFIC STAFF.	
(i) Cleaners	65/-
(ii) Conductors	85/-
(iii) Drivers	100/-
(E) OFFICE STAFF.	
Booking clerks and other clerks	100/-
(F) INSPECTING STAFF.	
[i] Traffic Inspectors	100/-
[ii] Assistant Traffic Inspector	100/-

Notes

1. In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paise;

2. notwithstanding any contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

3. the rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This Notification shall come into force with effect on and from the 1st May, 1965.

[Pub. in Raj. Gaz. 4 (Ga) Dt. 4-3-65-Page 806 (47)]

Labour & Employment Department

Jaipur, February 24, 1965

Notification No. F. 3 (6) Lab./63.—In exercise of the powers conferred by section 3, read with sub-section [2] of section 5 of the Minimum Wages Act, 1948, [Central Act XI of 1948, amended upto date], after adopting the procedure laid down therein, the State Government hereby revises, for the whole of the State of Rajasthan, as specified in the Schedule given below, in respect of any employment on the Construction or Maintenance of

Roads or in Building Operations, the minimum rates of wages fixed vide Government of Rajasthan Notification No. F. 1 [92] Lab./58 dated 4-2-1959, namely:—

SCHEDULE

Categories of employees	All inclusive minimum rates of wages per month
1	2
(A) 1. UNSKILLED [Adult Male & Female workers]	Rs.
[1] Beldars, Hallies, Chowkidars, Work-keepers, Farrash, Dhobies, Watermen, Bhisties, Creche-attendants, Sweepers.	60/-
[2] Mates, Head Gardeners, Jamadars, Helpers, Firemen, Spraymen, Chainmen, Gauge-readers	65/-
2. UNSKILLED [Male & female young persons]	52/-
B. SEMI-SKILLED.	
[i] Munshies, Land Surveyors, Receptionists	80/-
[ii] Drivers of Machinery upto 10 H.P., Road Inspectors, Creche-incharge, Hand-drillers, Stone dressers and cutters	90/-
C. SKILLED.	
[i] Drivers of Motor Vehicles, Masons, Mistries [Civil work], Carpenters, Welders, Blacksmiths, Tailors, Mechanics, Fitters, Linemen, Painters, Plumbers, Turners, Moulders, Electricians, Wiremen, Cinema Operators, Laboratory Assistants	100/-
[ii] Mechanical Drillers & Blasters	110/-
[iii] Road Roller Drivers and Truck Drivers	125/-
[iv] Earth-Moving Equipment Drivers/Operators	150/-

NOTES

1. In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paise;

2. notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

3. the rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This Notification shall come into force with effect on and from the 1st May, 1965.

[Pub. in Raj. Gaz. 4 [Ga] Dt. 4-3-65 Page 806 [48]]

Labour & Employment Department

Jaipur, February 24, 1965

Notification No. F. 3 (7) Lab./63.—In exercise of the powers conferred by section 3, read with sub-section 2 of the Minimum Wages Act, 1948 (Central Act XI of 1948), after adopting the procedure laid down therein, the State Government hereby revises for the whole of the State of Rajasthan, as specified in the Schedule given below, in respect of any employment in Stone Breaking and Stone crushing, the minimum rates of wages fixed vide Government of Rajasthan Notification No. F. 1-(92)/Lab./58 dated 5-2-1959, namely:—

SCHEDULE

Categories of employees	All inclusive minimum rates of wages per month
1	2
(A) 1. UNSKILLED (Adult male and female workers)	Rs.
(i) Beldars, Chowkidars, Work-keepers, Watermen, Creche-attendants, Sweepers, Stone breakers and Stone-carriers	60/-
(ii) Mates, Jamadars, Helpers, Chainman	65/-
2 UNSKILLED [Male and female young persons]	52/-
(B) SEMI-SKILLED.	
(i) Munshies, Land Surveyors	80/-
(ii) Drivers of Machinery upto 10 H P., Creche-incharge, Hand drillers, Stone-dressers and cutters	90/-
(C) SKILLED	
(i) Drivers of motor vehicles, Mistries, Carpenters, Welders, Blacksmiths, Mechanics, Fitters, Linemen, Turners, Moulders, Electricians, Wiremen	100/-
(ii) Mechanical Drillers and Blasters, Stone crusher Operators	110/-
(iii) Truck drivers	125/-

NOTES

1. In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum

rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paisa;

2. notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

3. the rates of minimum wages specified in the Schedule are, all inclusive rates allowing for the basic rates, the cost of living allowance and the cash value of concessions, if any.

This Notification shall come into force with effect on and from the 1st May, 1965,

[Pub. in [Raj. Gaz. 4 (Ga) Dt. 4-3-65-page 806 [49]]

Labour & Employment Department

Jaipur, July 31, 1965.

Notification No. F. 3 (12) Lab./63.—Whereas the President of India has delegated to the State Government, the functions of the Central Government to review and revise the minimum rates of wages for employees employed in mica mines situated in the State, by Notification No LWI (1) 2 20/58 of the Ministry of Labour and Employment dated the 27th June, 1960;

Now, therefore, in exercise of the powers conferred by section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), after adopting the procedure laid down therein, the State Government hereby revises for the whole of the State of Rajasthan as specified in the schedule given below, in respect of any employment in Mica Works, so far as it relates to Mica Mines only, the Minimum rates of wages fixed vide Government of Rajasthan Notification No. F. 1 (92) Lab./57, dated the 24th April, 1959, namely.—

SCHEDULE

S. No.	Categories of employees.	All inclusive minimum rates of wages per month.
1	2	3
Unskilled.		
1.	Khalasi.	Rs. 60/-
2.	Dhari.	Rs. 60/-
3.	Waterman.	Rs. 60/-
4.	Chowkidar.	Rs. 60/-
5.	Unskilled Mazdoor.	Rs. 60/-
Semi-Skilled.		
6.	Dresser.	Rs. 75/-
7.	Sorter.	Rs. 75/-

1	2	3
8.	Mate.	Rs. 80/-
9.	Carpenter.	Rs. 85/-
10.	Blacksmith.	Rs. 85/-
11.	Fitterman.	Rs. 85/-
12.	Machine driver upto 10 H.P.	Rs. 90/-
13.	Engine Drivers.	Rs. 90/-
14.	Compressor Drivers.	Rs. 90/-
15.	Blasters with restricted Certificate.	Rs. 90/-
16.	Hand drillers.	Rs. 90/-
Skilled.		
17.	Blasters with unrestricted Certificate	Rs. 110/-
18.	Fitter.	Rs. 100/-
19.	Electrician.	Rs. 100/-
20.	Drivers of machines of more than 10 H. P.	Rs. 100/-
Traffic Staff.		
21.	Cleaner	Rs. 65/-
22.	Jeep and Light Vehicle Drivers.	Rs. 100/-
23.	Truck drivers.	Rs. 125/-
Clerical Staff.		
24.	Clerks.	Rs. 100/-
25.	Shift-in-charge.	Rs. 125/-
Price rates workmen.		
26.	Cutters.	40 paise per kilograms of mica cut (inclusive of Sunday wages), but not less than Rs. 60/- per month.

Notes:—(1) In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be Computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paisa;

(2) Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

(8) The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This Notification shall come into force with effect from the 1st August, 1965.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Date 31-7-65—Page 239]

Labour and Employment Department

Jaipur, March 28, 1966.

Notification No. F. 3 (12) Lab/63.—Whereas the Government of Rajasthan notified proposals of the revised minimum rates of wages in respect of employment in any mica works other than mica mines, for the State of Rajasthan, vide Notification No. F. 3 (2) Lab/63, dated the 31st July, 1965 published in the Rajasthan Rajpatra dated the 31st July, 1965.

And whereas representations received in respect of the said proposals have been considered by the Government;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with sub-section (2) of the section 5 of the Minimum Wages Act, 1948 (Central Act II of 1948), the State Government after consulting the Rajasthan Minimum Wages Advisory Board, hereby revises the minimum rates of wages in respect of the employment in any mica works other than mica mines in the State of Rajasthan as specified in the Schedule below:—

SCHEDULE

Categories of employees Minimum rates of wages per month inclusive of all weekly days of rest.

1. Unskilled workers Rs. 60/—
2. Dressers and Sorters Rs. 75/—
3. Clerks. Rs. 100/—
40 paise per K. G. of mica cut but not less than Rs. 60/— per month.
4. Cutters

Notes:—1. In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category employees to which he belongs, by 26, the quotient being stepped upto the nearest paisa;

2. Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

3. The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basis rates, the cost of living allowance and the cash value of concessions, if any.

This notification shall come into force with effect on and from 28th April, 1966.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 28-3-66—Page 1269]

Labour And Employment Department

Jaipur October 12, 1965

Notification No. F. 3(15)L&E/64.—In exercise of the Powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act XI of

1948), and after taking into consideration the objections and suggestions received in pursuance of this Department's Notification of even number dated the 23rd July, 1964 published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated 23rd July, 1964, the State Government hereby amends Part I of the Schedule to the said Act, in its application to this State by adding thereto the following employments in respect of which it is of opinion to fix minimum wages under the said Act, namely:—

15. Soap Stone quarries and works incidental thereto.
16. Printing Presses.
17. Cotton Ginning, Pressing and Baling Establishments.

[Pub. in Raj. Gaz. Ex. 4(Ga)-Dt. 12-10-65 Page 410(3)]

Labour And Employment Department

Jaipur, October 12, 1965

(Addendum to the Extraordinary Gazette dated 12-10-65)

Notification No. F. 3 (15)/L&E/64.—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act XI of 1948) and after taking into consideration the objections and suggestions received in pursuance of this Department's Notification No F. 3 (106)/Lab 61 dated the 21st August, 1963 published in the Rajasthan Rajpatra dated the 3rd Oct, 1963 Part-1 (Kha) at page 445, and Corrigendum issued vide Govt. Notification of even number dated 14th November, 1963 published in the Rajasthan Rajpatra dated 16th January, 1964 Part I (Kha) at Page 659 the State Government hereby amends Part I of the Schedule to the said Act in its application to this State, by adding thereto the following employment in respect of which it is of opinion to fix minimum wages under the said Act, namely:—

14. Employment in Wool Cleaning and Pressing Factories in the State of Rajasthan.

[Pub. in Raj. Gaz. Ex 4 (Ga)—Dt. 15-10-65—Page 410 (7)]

Labour & Employment Department

Jaipur, August.9, 1965.

Notification No. F. 9 (1) (55) Lab./63—In exercise of the powers conferred by the sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), and in supersession of all previous notifications issued in this behalf vide No. F. 3 (109) Lab./61, dated the 15th October, 1962, the State Government hereby appoints the following to be Inspector for the purposes of the said Act, for the areas specified against each, namely:—

S.No.	Designation.	Jurisdiction.
1	2	3
1.	Labour Officer, Bharatpur.	For Sawaimadhopur, Alwar & Bharatpur Districts.

1	2	3
2.	Labour Officer, Ajmer.	For Ajmer, Sikar and Jhunjhunu Districts.
3.	Labour Officer, Bikaner.	For Bikaner, Churu and Sriganganagar Districts.
4.	Labour Officer, Udaipur.	For Udaipur, Banswara and Dungarpur Districts.
5.	Labour Officer, Bhilwara.	For Bhilwara and Chittorgarh Districts.
6.	Labour Inspector, Jaipur-I	For Jaipur City.
7.	Labour Inspector, Jaipur-II	For Jaipur District excluding Jaipur City
8.	Labour Inspector, Tonk.	For Tonk District.
9.	Labour Inspector, Bharatpur.	For Bharatpur District.
10.	Labour Inspector, Sawaimadhopur.	For Sawaimadhopur District.
11.	Labour Inspector, Alwar.	For Alwar District.
12.	Labour Inspector, Beawar.	For Beawar Sub-Division.
13.	Labour Inspector, Ajmer.	For Ajmer District excluding Beawar Sub-Division.
14.	Labour Inspector, Sikar.	For Sikar and Jhunjhunu Districts.
15.	Labour Inspector, Jodhpur-I	For Jodhpur City.
16.	Labour Inspector, Jodhpur-II	For Jodhpur & Jaisalmer Districts. excluding Jodhpur City.
17.	Labour Inspector Nagaur.	For Nagaur District.
18.	Labour Inspector, Pali.	For Pali and Barmer Districts.
19.	Labour Inspector, Jalore.	For Jalore and Sirohi Districts.
20.	Labour Inspector, Bikaner.	For Bikaner and Churu Districts.
21.	Labour Inspector, Sriganganagar.	For Sriganganagar District.
22.	Labour Inspector, Kota-I	For Kota City.
23.	Labour Inspector, Kota-II	For Kota District excluding Kota City.
24.	Labour Inspector, Bundi	For Bundi District.
25.	Labour Inspector, Jhalawar.	For Jhalawar District.
26.	Labour Inspector, Udaipur.	For Udaipur District.
27.	Labour Inspector, Dungarpur.	For Banswara & Dungarpur Distts.
28.	Labour Inspector, Bhilwara.	For Bhilwara District.
29.	Labour Inspector, Chittorgarh	For Chittorgarh District.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 11-11-65—Page 390]

LABOUR AND EMPLOYMENT DEPARTMENT

Jaipur, March 17, 1966.

Notification No. F. I (7) (3) L&E/66,—Whereas the Government of Rajasthan notified proposals of the fixing of the Minimum rates of wages in respect of employment in Cotton Ginning and Pressing and Bailing Establishments for the State of Rajasthan, vide Notification N F. (15) L&E/

64 dated the 23rd July 1965 published in the Rajasthan Rajpatra dated the July 23rd, 1964 as required by sections 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948).

And whereas representations received in respect of the said proposals have been considered by the Government ;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the said Act the State Government hereby fixes the minimum rates of wages in Cotton Ginning & Bailing and Pressing Establishments in the State of Rajasthan as specified in the Schedule below.

SCHEDULE

- | | |
|--|--|
| 1. Unskilled (Male and female) workmen | Rs. 60/- p. m.
Rs. 2.31 Paisa per day inclusive of weekly holidays. |
| 2. Semi-skilled workmen | Rs. 80/- p. m. |
| 3. Skilled workmen | Rs. 100/- p. m. |

NOTES

1. In the case of daily wage-earners the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest Paisa;
2. Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him; and
3. The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate; the cost of living allowance and the cash value of concessions, if any.

This notifications shall come into force on and from the 20th April, 1966.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 17-3-66 Page 1225]

LABOUR & EMPLOYMENT DEPARTMENT

Jaipur, March 18, 1966

Notification No. F. I (7)(4) L&E/66.—Whereas the Government of Rajasthan notified proposals of the fixing of the minimum rates of wages in respect of employment in Wool Cleaning and Pressing Factories for the State of Rajasthan, *vide* Notification No. F. 3 (15) L&E/64 dated the 12th October, 1965 published in the Rajasthan Rajpatra, dated the 12th October, 1965. as required by section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948);

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the said Act the State Government hereby fixes the minimum rates of wages in Wool Cleaning and Pressing Factories in the State of Rajasthan as specified in the Schedule below.

SCHEDULE

- | | |
|--------------------------------|--|
| 1. Unskilled (Male and Female) | Rs. 60/- p. m. or Rs. 2.31 paisa per day inclusive of weekly holidays. |
| 1. Semi-Skilled Workmen | Rs. 80/- p. m. |
| 3. Skilled Workmen | Rs. 100/- p. m. |

NOTES

1. In the case of daily wages earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paisa;
2. Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force the wages of a workman in the said employment exceed on the said day, shall be the minimum rates of wages fixed in respect of him; and
3. The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This notification shall come into force with effect on and from the 20th April, 1966.

[Pub. in Raj. Gaz. Ex. 4 (Ga)-Dt. 18-3-66—Page 1227]

Labour & Employment Department

Jaipur, March 18, 1966

Notification No. F. 6 (75) L&E/64.—In exercise of the powers conferred by section 3, read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), after adopting the procedure laid down therein, the State Government hereby revises for the whole of the State of Rajasthan, as specified in the Schedule given below, in respect of any employment in Rice, Flour and Dal Mills, the minimum rates of wages fixed vide Government of Rajasthan Notification No. F. 1 (92) Lab./58 dated the 2nd December, 1958, namely:—

SCHEDULE

Categories of employees	All inclusive minimum rates of wages per month
1	2
(A) Skilled Workmen	Rs. 100/-
(i) Mistry	(ii) Boiler Attendant
(iii) Engine Driver	(iv) Mechanic
(v) Electrician	(vi) Filter

(vii) Carpenter	(viii) Operator
(ix) Roller man	(x) Foreman
(xi) Machineman	
(B) Semi-Skilled Workmen	Rs. 80/-
(i) Hullerman	(ii) Helper fitter or helper hullerman
(iii) Oilman	(iv) Measurer
(v) Weighman	(vi) Silkman
(C) Unskilled Workmen.	Rs. 60/-
(i) Carrier	(ii) Hamal
(iii) Loaders	(iv) Watchman, Peon, Messenger
(v) Sweepers	(vi) Cleaners
(vii) Spreaders	(viii) Winnowers
(ix) Other unskilled workmen	
(D) Clerical Staff	Rs. 100/-
(i) Manager	(ii) Clerk Typist
(iii) Accountant/Cashier	

Note—1. In the case of daily wage earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being stepped up to the nearest paisa;

2. Notwithstanding anything contained herein, if on the date, the aforesaid dates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him;

3. The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This Notification shall come into force with effect on and from the 20th April, 1966.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 18-3-66—Page 1228]

LABOUR AND EMPLOYMENT DEPARTMENT

Jaipur, June 9, 1960.

Notification No.F. 1(7) (5) L&E/66.—Whereas the Government of Rajasthan published proposals of minimum rates of wages in respect of employment in Printing Presses by notification No. F. 3-(15) L&E/64 dated the 12th October, 1965 in the Rajasthan Rajpatra Part IV (C) dated the 14th October, 1965 as required by section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948);

And whereas no representaion have been received in respect of the said proposals;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3, read with sub-section (2) of section 5 of the Minimum Wages Act, 1948, (Central Act 11 of 1948), the Government of Rajasthan hereby fixes the minimum rates of wages in respect of the employment in Printing Presses in Rajasthan, as specified in schedule below :

SCHEDULE

- | | |
|--|--|
| 1. Unskilled (Male and Female) workmen | Rs. 60 per month or Rs. 2-31 paise per day inclusive of weekly holidays. |
| 2. Semiskilled workmen | Rs. 80/—per month. |
| 3. Skilled workmen | Rs. 100/— per month. |

Notes :—

1. In the case of daily wage earners, the minimum rate of daily wages payable to an employee shall be computed by dividing the minimum rate of monthly wages fixed for the category of employees to which he belongs by 26, the quotient being stepped upto the nearest paise.
2. Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rate of wages fixed respect of him; and
3. The rates of minimum wages specified in the Schedule are all inclusive rates, allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This shall notification come in to force on and from the 1st July, 1966.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 9-6-66-Page 105]

LABOUR AND EMPLOYMENT DEPARTMENT

Jaipur, July 15, 1966.

Notification No. F. 9 (1) (55) Lab/63.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the State Government hereby makes the following amendments to this Department Notification of even number, dated the 9th August, 1965 published at page 390 of the Rajasthan Gazette, Part 4 (C), dated the 11th November, 1965, namely ;—

AMENDMENTS

In the said Notification :—

- (1) Serial Number 4 namely :—

‘4. Labour Officer, Udaipur For Udaipur, Banswara and
shall be deleted, and Dungarpur Districts.

(2) Serial Numbers 5 to 20 shall be re-numbered as 4 to 28.

[Pub. in Rajasthan Gaz. Ex. 4 (Ga)—Dt. 15-7-66 Page 216]

LABOUR & EMPLOYMENT DEPARTMENT

Jaipur, January 4, 1967.

Notification No. F. 3(11) Lab./63.—Whereas the Government of Rajasthan notified proposals of the fixing of the Minimum rates of wages in respect of employment in any Oil Mills for the State of Rajasthan vide notification No. F. 3 (11) Lab./63 dated the 28th March, 1966 published in the Rajasthan Rajputra Extraordinary dated the 28th March, 1966 as required by section 5 of the Minimum Wages Act, 1948 ;

And whereas representation received in respect of the said proposals have been considered by the Government ;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act 1948 (Central Act 11 of 1948) and after consulting the Advisory Board, the State Government hereby fixes the Minimum rates of wages in any Oil Mills in the State of Rajasthan as specified in the Schedule below :—

SCHEDULE

- | | |
|--------------------------------------|--|
| 1. Unskilled workmen (Male & Female) | Rs 60/— p. m. or Rs 2.31
paisa per day inclusive of
weekly days of rest. |
| 2. Semi-Skilled Workmen | Rs. 85 /— p. m. |
| 3. Skilled Workmen | Rs. 100/— p. m. |

Notes :—1. In the case of daily wages earners, the minimum rates of daily wages payable to an employee shall be computed by dividing the minimum rates of monthly wages fixed for the category of employees to which he belongs, by 26, the quotient being Stepped up to the nearest paisa ;

2. Notwithstanding anything contained herein, if on the date, the aforesaid rates come into force, the wages of a workman in the said employment exceed such rates, the wages actually received by him on the said day, shall be the minimum rates of wages fixed in respect of him ; and

3. The rates of minimum wages specified in the Schedule are all inclusive rates allowing for the basic rate, the cost of living allowance and the cash value of concessions, if any.

This notification shall come into force on and from the 1st April, 67.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 25-5-67—Page 195]

Rules and Notifications under

MINISTERS SALARIES ACT, 1951 AND 1956.
THE RAJASTHAN (19 OF 1951 & 43 OF 1956).

THE RAJASTHAN (19 OF 1951 & 43 OF 1956).
MINISTERS SALARIES ACT, 1951 AND 1956.
Rules and Notifications under

THE RAJASTHAN MINISTERS (Medical Attendance) RULES, 1957.

General Administration Department (C)

NOTIFICATION

Jaipur, August 13, 1957.

No. F. 14 (16) GA/C/57.—In pursuance of section 7 of the Rajasthan Ministers Salaries Act, 1956 (Act No. 43 of 1956), the Governor is pleased to make the following rules, namely.—

Notes

These rules have been framed for putting into effect the provisions of section 7 of the Rajasthan Ministers Salaries Act, 1956 which reads as under:—

Subject to any rules, made in this behalf by the Governor, a minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by Government and also to medical treatment.

1. These rules shall be called the Rajasthan Ministers (Medical Attendance) Rules, 1957.

2. The All-India Services (Medical Attendance) Rules, 1954, made by the Government of India under the All India Services, Act, 1951 (LXI of 1951) shall apply, *mutatis mutandis*, to the Ministers:

Provided that if any question arises relating to the interpretation of the said Rules, decision of the Governor thereon shall be final.

Notes

The All India Service (medical Attendance) Rules, 1954 are reproduced as Appendix to these rules.

By Order of the Governor,
K. N. SUBRAMANIAN
Chief Secretary to the Government.

These rules have been first published in Rajasthan Raj-patra dated September 19, 1957. in part IV (c) at page 422:

Rajasthan Ministers (Medical Attendance) Rules, 1961

Cabinet Secretariat

NOTIFICATION

Jaipur, September 21, 1961.

No. F. 14 (16) GA/C/57.—In pursuance of section 7 of the Rajasthan Ministers Salaries Act, 1956 (Act No. 43 of 1956) the Governor is pleased to make the following rules, namely:—

1. *Short title and commencement.*—These rules may be called the Rajasthan Ministers (Medical Attendance) Rules, 1961.

2. *Definitions* —In these rules, unless the context otherwise requires—

(a) “authorised medical attendant” means the medical officer of the Rajasthan Medical Department nominated by the Government to attend ministers in the Capital:

Provided that if the Minister falls ill at a station other than the Capital of the State, the District Medical Officer of the District in which the station is situated shall be the authorised medical attendant.

(b) “family” means the wife or husband, children and step children of a minister wholly dependent upon him or her as the case may be.

(c) “Government” means the Government of Rajasthan.

(d) “Government hospital” means a medical institution maintained by the Government for purposes of medical treatment and includes a dispensary or a hospital maintained by a local authority and any other hospital with which arrangements have been made by the Government of Rajasthan for treatment of ministers.

(e) “Medical attendance” means attendance in a Government hospital or at the residence of a minister or at the consulting room maintained by the authorised medical attendant by arrangement with him and includes—

- (i) such pathological bacteriological, radiological or other methods of examination for the purposes of diagnosis as are available in any Government hospital or laboratory in the State and are considered necessary by the authorised medical attendant, and
- (ii) such consultation with any other medical officer or specialist in the service of the Government as the authorised medical attendant certifies to be necessary, to such extent and in such manner as the medical officer or the

specialist may in consultation with the authorised medical attendant determine.

(f) "nurse" means a qualified nurse holding a certificate or a diploma recognised by the Director, Medical and Health Services, Rajasthan.

(g) "patient" means a minister or the members of his family who requires medical attendance and treatment.

(h) "treatment" means the use of all medical and surgical facilities available at the Government hospital in which a patient is treated, and includes—

- (i) the employment of such pathological bacteriological, radiological or any other methods as are considered necessary by the authorised medical attendant,
- (ii) dental treatment where the diagnosis of the physiological or other disability from which a patient is suffering indicates that the teeth are the real source of disturbance provided it is of a major kind such as treatment of a jaw bone disease, wholesale removal of teeth etc.,

*Explanation:—*Surgical operations needed for the removal or odontomes and impacted wisdom-tooth also fall under the category of dental treatment of a major kind. Treatment of gum boils comes under oral surgery of the mouth and as such it is admissible under the rules. Treatment for pyorrhoea and gingivitis of teeth is however not covered.

- (iii) the supply of such medicines, vaccines, sera or other therapeutic substance as are ordinarily available in Government hospitals in the State,
- (iv) the supply of such medicines, vaccines sera or other therapeutic substances not ordinarily so available as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient,
- (v) such accommodation as is ordinarily provided in the hospital to which the patient is admitted and is suited to his status,
- (vi) the services of such nurses as are ordinarily employed by the hospital to which the patient is admitted,
- (vii) such special nursing as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient having regard to the nature of the disease, and
- (viii) the medical attendance described in sub-clause (ii) of clause (e), but does not include diet, of provision at the

request of the patient of accommodation superior to that described in sub-clause (v).

3 *Medical Attendance by authorised medical attendant.*—(1) A Minister shall be entitled free of charge to medical attendance by the authorised medical attendant.

(2) Where a minister is entitled under sub-rule (1), free of charge, to medical attendance, any amount paid by him on account of such medical attendance shall on production of a certificate in writing by the authorised medical attendant in this behalf, be reimbursed to the minister by the Government

4. *Medical Attendance and treatment of families of Ministers.*—(1) The members of the family of a Minister shall be entitled at Government cost to medical attendance and treatment at a Government hospital on the scale and conditions allowed to the minister himself under these rules. This concession does not include medical attendance or treatment other than:—

(i) at a Government hospital, or

(ii) at the consulting room maintained by the authorised medical attendant by arrangement with him:

Provided that in serious cases where the authorised medical attendant considers removal of the members of the family to the hospital dangerous or injurious to life, medical attendance and treatment at the residence shall be allowed.

(2) No travelling allowance shall be allowed to members of the families for any journey performed to consult the authorised medical attendant. Such travelling allowance shall, however, be admissible in respect of a journey performed for consulting a Government specialist outside Jaipur or the State.

(3) Medical attendance and treatment, referred to in sub-rule (1) shall include confinement in a hospital and prenatal and post-natal treatment of the wife of a minister.

5. *Travelling Allowances*—(1) When the place at which a patient falls ill is not the headquarters of the authorised medical attendant—

(a) the patient shall be entitled to travelling allowance for the journey to and from such headquarters; or

(b) if the patient is too ill to travel, the authorised medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is;

Provided that a patient shall not be entitled to travelling allowance for a journey for attendance by a dentist or an oculist.

(2) An application for travelling allowance under sub-rule (1) shall be accompanied by a certificate in writing by the authorised

medical attendant stating that medical attendance was necessary and, if the application is under clause (b) of that sub-rule, that the patient was too ill to travel.

6. *Medical attendance by person other than authorised medical attendant.*—(1) If the authorised medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, he may, with the approval of the Director of Medical and Health Services, Rajasthan (which shall be obtained before hand unless the delay involved entails danger to the health of the patient)—

- (a) send the patient to the nearest specialist or other medical officer is provided for in clause (e) of rule 2, by whom, in his opinion, medical attendance is required for the patient, or
- (b) If the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.

(2) Where a patient is sent to a specialist or other medical officer under clause (a) of sub-rule (1), he shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the headquarters of the specialist or other medical officer.

(3) A specialist or other medical officer summoned under clause (b) of sub-rule (1) shall on production of a certificate in writing by the authorised medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

7. *Hospitals at which treatment may be received and reimbursement therefor.*—(1) Every minister shall be entitled free of charge to treatment—

- (a) in such Government hospital in the station or district where he falls ill as can in the opinion of the authorised medical attendant provide the necessary and suitable treatment, or
- (b) if there is no such hospital as is referred to in clause (a), in such hospital other than a Government hospital in that station or district as may, in the opinion of the authorised medical attendant, provide the necessary and suitable treatment, or
- (c) if there is no such hospital as is referred to in clauses (a) and (b) in such hospital in the State as may in the opinion of the authorised medical attendant, provide the necessary and suitable treatment.

(2) Where a minister is entitled under the sub-rule (1) free of charge, to treatment in a hospital any amount paid by him on account of such treatment shall on production of a certificate in

writing by the authorised medical attendant in this behalf be reimbursed to the minister by the Government:

Provided that where special nursing forms a part of such treatment, the amount to be reimbursed in respect of such special nursing shall be limited to the amount which is in excess of 25 per cent of the pay of the minister for the period of special nursing.

(3) If the patient has to proceed to a station other than at which he falls ill for the purpose of treatment under sub-rule (1), he shall, on production of a certificate in writing from the authorised medical attendant in this behalf, be entitled to, travelling allowance for the journey to and from the place at which such treatment is received. Such travelling allowance shall also be admissible for an attendant, if the authorised medical attendant certifies in writing that it is unsafe for the patient to travel unattended and that an attendant is necessary to accompany the patient to the place of treatment and back.

8. *Treatment at residence.*—(1) If the authorised medical attendant is of opinion that owing to the absence or remoteness of a suitable hospital or to the severity of the illness, a minister cannot be given treatment as provided in sub-rule (1) of rule 7, he may receive treatment at his residence.

(2) Where a minister is receiving treatment at his residence under sub-rule (1), he shall be entitled to receive towards the cost of the treatment incurred by him a sum equivalent to the cost of such treatment as he would have been entitled to receive, free of charge, under these rules if he had not been treated at his residence.

(3) A claim for any amount admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorised medical attendant, stating—

- (a) his reasons for the opinion referred to in sub-rule (1).
- (b) the amount of the cost of similar treatment referred to in sub-rule (2).

9. *Charges for services other than medical attendance to be paid.*—(1) Any charge for service rendered in connection with, but not included in, medical attendance on, or treatment of, a patient entitled free of charge, to medical attendance or treatment under these rules, shall be determined by the authorised medical attendant and paid by the patient.

(2) If any question arises as to whether any service is included in medical attendance or treatment it shall be referred to the Government whose decision thereon shall be final.

10. *Injuries due to civil disturbances.*—(1) A minister who visits a disturbed area shall be deemed as being on duty continuously

and any injury received by him as a result of the disturbance shall be deemed as having been received in the course of such duty.

(2) When a minister receive any injury while on duty in connection with the disturbances, he shall be entitled to medical attendances and treatment specified in clauses (e) and (h) of rule 2, free of charge.

11. *Interpretation.*—If any question arises relating to the interpretation of these rules, the decision of the Government thereon shall be final.

12. *Saving.*—Nothing in these rules shall be deemed to—

(i) entitle a minister to reimbursement of any cost incurred in respect of medical services obtained by him, or to travelling allowances for any journey performed by him otherwise than as expressly provided in these rules, or

(ii) prevent the Governor from granting to a minister any concession relating to medical treatment or attendance or travelling allowance for any journey performed by him which is not authorised by these rules.

13. *Supersession.*—The Rajasthan Ministers' (Medical Attendance) Rules, 1957 are superseded.

By Order of the Governor,

B. MEHTA,

Chief Secretary to Government.

RAJ. MINISTERS (MEDICAL ATTENDANCE) RULES 1961

(Notification No. F. 14 (1a) Ga/C/57 Dt. 30-4-65 Pub. in Raj. Gaz. Part IV-C ordinary Dt. 17-6-65).

In pursuance of section 7 of the Rajasthan Ministers' Salaries Act, 1956 (Rajasthan Act 43 of 1956), the Governor of the State of Rajasthan has been pleased to make the following amendment to the Rajasthan Ministers (Medical Attendance) Rules, 1961, namely:—

AMENDMENT

After Rule 7 of the said Rules, the following new rule shall be added, namely:—

“7A. Notwithstanding anything contained in these Rules, the Governor may, in appropriate cases, grant to a Minister of the State any concession or special facilities, including the reimbursement thereof outside the State for the items specified below—

- (i) Medical Treatment;
- (ii) Medical attendance or travelling allowance for any such journey performed by him, and
- (iii) Accommodation, including diet for the purposes of such treatment.

This amendment shall be deemed to have come into effect on March 8, 1965.

Raj. Ministers (Travelling Allowances & use & Maintenance of Conveyance) Rules, 1962

CABINET SECRETARIAT

NOTIFICATION

Jaipur, March 25, 1963.

No. F. 8 (16) Cab./63.—In exercise of the powers conferred by Sections 5 (1A) and 6 of the Rajasthan Ministers' Salaries Act, 1956 (XIX of 1956), the Governor is pleased to make the following rules for the payment of Travelling Allowance to the Ministers and for the use and maintenance of State cars placed at the disposal of Ministers of the State of Rajasthan.

1. *Short Title and Commencement.*—(i) These rules may be called the Rajasthan Ministers (Travelling Allowances and use and Maintenance of Conveyance) Rules, 1962.

(ii) These rules shall come into force with immediate effect.

2. *Definitions.*—(i) "Members of the family" means husband, wife son and daughter if wholly dependent and residing with the Minister.

(ii) "Day" means a Calendar day beginning and ending at mid-night, but as absence from Headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day at whatever hours the absence begins or ends.

(iii) "Conveyance" means a motor car of standard make.

(iv) "Government and State" means Government and State of Rajasthan.

(v) "Minister" includes "Chief Ministers" and "Deputy Minister".

3. *Travelling Allowance on assuming and relinquishing Office.*—On assuming or relinquishing office, a Minister shall:—

(a) for the journey in respect of assuming office to the city of Jaipur from his usual place of residence in the State if it is outside Jaipur, and

(b) for the journey in respect of relinquishing office from the city of Jaipur to his usual place of residence in the State before he resumed office if such place is outside Jaipur;

be entitled to travelling allowance for himself and members of his family if they precede or follow him within one month on both occasions (on assuming or relinquishing office) and for the

transport of his personal effects at the rates there in after specified viz:—

(1) the actual charges incurred by Minister for himself and the members of his family whether the journey is made by air or rail or road, provided where the journey is made by air or by First Class air conditioned coach by the members of his family the charges for such journey shall be limited to the amount that would be admissible if the journey is performed by rail in ordinary First Class;

(2) the actual charges incurred for the transport of the personal effects whether by road or rail, provided if a rail wagon is used for such transport the charges for such Wagon.

4. *Travelling and other allowances on tour.*—(1) Every Minister shall be entitled while touring on duty connected with his office to travelling and daily allowance or other allowances at the rates and upon the condition specified in this rule.

(2) While touring on official business every Minister shall be entitled:—

(a) for journeys by trains to one single fare of the class in which he actually travels plus incidental charges at the rate of 6 nP. per mile limited to one daily allowance for every period of 24 hours or fraction of 24 hours spent on actual travel by rail.

Note:—If the rail distance is expressed in Kilo Meters incidental charges shall be calculated at 3.75 nP. per Kilometer.

(b) for charges by train in a reserved first class compartment to the actual charges paid for such reservation. For the purpose of this rule a Reserved First Class Compartment means two berth compartment or air conditioned coach where it is available or a four berth compartment if the two berth compartment is not available.

(c) to railway fare actually paid for personal servants at the third class rates if they travel with him or precede or follow him within three days.

(d) for journeys by road—00.50 nP. per mile.

Note:—Where the road distance has been fixed in Kilo Meters the rate of road mileage shall be 31 nP. per Kilo meter.

(e) For journeys by air—to one single standard air fare or actual cost of return ticket if return ticket is purchased plus incidental charges equal to $\frac{1}{4}$ th of the

standard air fare for each day journey limited to the amount of one daily allowance.

- (f) Daily allowance for the day of arrival at and departure from a station other than Jaipur and for the days of halts at the places outside Jaipur at the following rates:—

(i) For all State capitals & hill stations (Other than State Capitals) which Government may by order specify Rs. 15/-.

(ii) For all other stations Rs. 11/-:

Provided no daily allowance will be admissible when the stay at station on the day of arrival or departure is less than 8 hours:

Provided further that if a Minister is treated as State Guest, he shall be entitled to $\frac{1}{4}$ th of the daily allowance for the period for which he is treated as State Guest.

- (g) Ordinarily daily allowance under clause (f) shall be drawn for the first ten days of a halt at one place. A Minister may however at his discretion draw daily allowance beyond 10 days of a halt at full rates or two third of those rates. No daily allowance beyond 30 days of a halt shall be admissible.

(3). A Minister shall draw travelling allowance on such bill as may be prescribed by Government in respect of Gazetted Government servants of the State.

(4). The matters for which no express provision has been made in this rule shall be regulated in accordance with provisions applicable to first class Government servant under Rajasthan Travelling Allowance Rules.

5. *Provision for Motor Cars*—(i) The State Government shall provide each Minister with a suitable conveyance.

(ii) The conveyance shall be maintained by the State Government and the maintenance charges shall include all day to day running expenses and the cost of chauffeur.

(iii) The State Government shall also meet the cost of petrol not exceeding 275 liters per month and of lubricating oils in respect of conveyance placed at the disposal of a Minister. For purposes other than official tour conveyance shall be utilised within a radius of 10 miles of the city Jaipur. If a Minister goes out on private work beyond a radius of 10 miles in the conveyance he shall be charged at the rate of 50 nP. per mile of the journey performed.

(iv) When a Minister needs a conveyance for touring beyond a radius of 10 miles of Jaipur he shall be given a larger car at Government cost. When the journey is performed in such a car he shall be entitled to daily allowance at the rate of Rs. 11/-:

Provided if journey begins and ends at Jaipur on the same day and does not involve absence of more than eight hours, the daily allowance shall be Rs. 5.50 nP. and if such journey does not involve absence of more than four hours from Headquarters, no daily allowance shall be admissible:

Provided further if the journey by Government car is connected with a journey by rail or *vice-versa*, no daily allowance under this sub-rule shall be admissible for the journey performed in Government car but the distance travelled by Government car shall be added to the rail distance for determining the amount of incidental charges under Rule 4 (2) (a).

6. *Advance for journey on tour.*—Government may sanction advance of an amount, sufficient to cover tour expenses of a month, to a Minister if desired by him, subject to its adjustments on completion of tour or 31st March whichever is earlier.

7. *T. A. for journey outside India.*—Nothing in these rules shall be deemed to prevent the Government for granting Travelling Allowance to a Minister for journeys outside India on *ad hoc* basis.

8. *Supersessions.*—The existing rules and orders on the subject contained in these rules are hereby superseded.

By Order of the Governor,
B. MEHTA,
Chief Secretary to Government.

(Notification No. F. 8 (16) Cab/63 dated 25-5-65, published in Rajasthan Gazette, Part IV-C, Ordinary dated 17-6-65.)

In exercise of the powers conferred by section 5 (A) and 6 of the Rajasthan Ministers' Salaries Act, 1956 (Rajasthan Act 43 of 1956), the Governor is pleased to make the following amendments in the Rajasthan Ministers (Travelling Allowances and Use and Maintenance of Conveyance) Rules, 1963, namely :—

1. (1) These rules may be called the Rajasthan Ministers (Travelling Allowances and Use and Maintenance of conveyance) (Amendment) Rules, 1965.

(2) They shall be deemed to have come into force with effect from April 1, 1965.

2. In the Rajasthan Ministers (Travelling Allowances and use and Maintenance of Conveyance) Rules, 1963, hereinafter referred to as the said Rules, in sub-rule (2) of rule 4, in clause (t), for the existing sub-clauses (i) and (ii), the following sub-clauses shall be substituted namely :—

“(i) For all places outside Rajasthan—Rs. 31.00 P.”

“(ii) For all places within Rajasthan—Rs. 21.00 P.”

(3) In rule 5 of the said rules,—

(a) in sub-rule (iii), for the expression “275 liters per month,” the expression “6000 liters per annum” shall be substituted, and

(b) in sub rule (iv), for the expression “Rs. 11/-”, the expression “Rs. 21/-” shall be substituted.

RAJ. MINISTERS (CONCESSIONS ON ACCOUNT OF ELECTRICITY & WATER) RULES, 1965

(Notification No. F. 8 (39) Cab/63 dated 25-5-65, published in Rajasthan Gazette Part IV-C, Ordinary dated 17-6-65.)

In exercise of the powers conferred by section 5A of the Rajasthan Ministers Salaries Act, 1956 (Rajasthan Act 43 of 1956), the Governor is pleased to make the following rules, namely :—

1. *Short title and Commencement.*—(1) These rules may be called the Rajasthan Ministers (Concessions on account of Electricity and Water) Rules, 1965.

(2) They shall be deemed to have come into force with effect from April, 1965.

2. *Concessions on account of electricity and water.*—For purposes of section 5A of the Rajasthan Ministers Salaries Act 1956 (Rajasthan Act 43 of 1956), each Minister shall be entitled to the concession of payment by Government for him and on his behalf, throughout his term of office, of all charges due from him on account of consumption on electricity and water at his residence.

Rajasthan Ministers (Advances for Purchase of Motor-Cars) Rules, 1965.

(Notification No. F. 8 (20) Cab/64 dated 9-7-65, published in Rajasthan Gazette Part IV-C, Extraordinary dated 9-7-65.)

In exercise of the powers conferred by Section 7-A of the Rajasthan Ministers Salaries Act, 1956 (Rajasthan Act 43 of 1956), the Governor has been pleased to make the following rules to regulate the grant of advances to Ministers for the purchase of motor-cars, namely:—

1. Short title and commencement.—(1) These rules may be called the Rajasthan Ministers (Advances for purchase of Motor-Cars) Rules, 1965.

(2) They shall come into force at once.

2. Eligibility:—A Minister may be granted an advance for the purchase of a motor car, if he does not avail of a Government vehicle in accordance with clauses (i), (ii) and (iii) of rule 5 of the Rajasthan Ministers (Traveling Allowance and use and maintenance of conveyance) Rules, 1963.

3. Maximum amount of advances.—The maximum amount to be advanced to a Minister for purchase of a motor car shall not exceed rupees twenty thousand or the anticipated price of the motor car intended to be purchased, whichever is less. If the advance taken in more than the actual price paid, the balance shall be refunded to the Government.

4. Repayment of advance.—An advance granted under these rules shall be repaid in not more than 48 instalments, the first instalment commencing with the first issue of salary after the advance is drawn. If a Minister to whom an advance has been issued relinquishes office before the advance is fully repaid he shall be required to repay in one instalment the amount outstanding together with interest accrued on the date of his relinquishment.

Note:—(1) It shall be open to a Minister to refund the advance in a lesser number of instalments.

(2) Where a Minister, after relinquishing office, fails to refund the entire loan or the balance outstanding, together with interest, in lump sum, the recovery may be affected as arrears of land revenue, without prejudice to any other remedy available under the law.

(3) The amount of the advance to be recovered monthly should be fixed in whole rupees, except in the case of the last instalment, when the balance including fractions of rupee should be recovered.

5. Insurance of motor-car.—The motor, purchased with the aid of an advance taken under these rules, shall be insured on comprehensive basis with an Insurance Company approved by the Accountant General and the

insurance continued until the advance, together with the interest thereon, is fully repaid.

Note:—(1) No portion of advance taken for purchase of a car can be spent on the repairs of the motor car. The entire unutilised balance should be refunded.

6. Consequences of failure to comply with requirements of rules.—In case where the Minister, after drawing the advance for purchase of car, fails to comply with the requirements of the rules, he shall be liable to refund whole of the loan amount advanced with interest at a rate 9% per annum.

7. Payment of interest—Simple interest at the rate prescribed by the Government from time to time for conveyance advances to Government servants shall be charged on the balance outstanding on the last day of each month for the advance. The amount of interest shall be recovered in one or more instalments, each such instalment being not appreciably greater than the instalment in which the principal is recovered. The recovery of interest will commence from the month following that in which the repayment of the principal has been completed.

8. Sale of Motor car—(1) A Minister shall not, save with the previous sanction of Government, sell or otherwise dispose of the car purchased with the aid of an advance till the advance, together with the interest thereon, has been fully repaid.

(2) If a Minister wishes to transfer such a motor car to another Minister, who under these rules is eligible for an advance, he may be permitted by Government to do so and transfer the liability attached to the car to the latter, provided that the transferee records a declaration that he is aware that the motor-car transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.

(3) In all cases in which a motor car is sold before the amount of advance and the interest thereon is fully repaid, the sale proceeds must be applied, so far as may be necessary, towards the repayment of the outstanding balance, provided that when the motor car is sold only in order that another motor car may be purchased, Government may permit a Minister to apply the sale proceeds towards such purchase, subject to the following conditions —

- (a) the amount of advance outstanding shall not be permitted to Exceed the cost of the newly purchased car;
- (b) the amount outstanding shall continue to be repaid at the rate previously fixed; and
- (c) the new car is insured and mortgaged to Government, as required by these rules.

Note.—Unless shown to the satisfaction of the Government that the car, which was previously purchased with an advance from the Government is beyond repairs, further advance for the purchase of a car shall not be granted within 5 years of the drawal of the previous advance.

9. Completion of negotiations—A Minister, who draws an advance for the purchase of a motor-car, is expected to complete his negotiations for the purchase of and pay finally for, the car within one month of his drawing the advance; failing such completion and payment, the full amount of the advance drawn, with interest thereon for the month shall be refunded to Government. This condition shall always be mentioned in letters sanctioning such advances.

Note:—A Minister, who purchases a motor car after he applies for Government advance and arranges to pay for it by raising a temporary loan from private resources or by arrangements with his banker, is also permitted to draw the advance subject to other conditions being satisfied, provided the car was purchased within 3 months of applying for an advance.

10. Execution of agreement and mortgage bond.—At the time of drawing the advance, the minister shall execute an agreement in form I; and on completing the purchase, he shall execute a mortgage bond in Form II, hypothecating the car to the Government as security for the advance. The cost price of the car shall be entered in the schedule of specifications, attached to the mortgage-bond.

11. Certificate to Accountant-General—When an advance is drawn, the sanctioning authority shall furnish to Accountant General a certificate that the agreement in Form I has been signed by the Minister drawing the advance and that it has been examined and found to be in order. The sanctioning authority shall see that the motor car is purchased within one month from the date on which advance is drawn and shall forward every mortgage bond promptly to A. G. for examination before final record.

Note:—No extension of the aforesaid period for the purchase of car will ordinarily be allowed. If in view of any exceptional circumstance of the case it is considered necessary to allow extension in any case the interest during the period of extension will be charged at the rate as prescribed in rule 6.

12. Intimation to Insurance Company of Government's interest in insurance policy of motor car—In case where advance is sanctioned for purchase of motor cars and the Minister opts under rule 5 to get it comprehensively insured, the Accountant General, on receipt of the certificate prescribed in rule 11, will obtain from the Minister drawing the advance a letter in form III to the Motor Insurance Company with which the motor car is insured to notify to them the fact that the Government is interested in the insurance policy secured. He will himself forward the letter to the company and obtain their acknowledgement. In the case of insurance effect on annual basis this process should be repeated every year until the advance has been fully repaid to Government.

The amount for which the car is insured during any period should not be less than the out standing balance of the advance with interest accrued

at the beginning of that period and the insurance should be renewed from time to time until the amount due is completely repaid.

13. Safe custody and cancellation of mortgage bond.—The mortgage bond shall be kept in the safe custody of the sanctioning authority. When the advance has been fully repaid, the bond shall be returned to the Minister concerned duly cancelled, after obtaining a certificate from the Accountant General as to the complete repayment of the advance and interest.

FORM I

Form of agreement to be executed at the time of drawing an advance for the purchase of a motor car by Ministers.

An agreement made this.... .. day of
 one thousand nine hundred and sixty BETWEEN Shri ...
 A Minister (hereinafter called the borrower, which expression shall include his heirs, administrators, executors and legal representatives and assignees) of the one part and the Governor of Rajasthan (hereinafter called the State Government which expression shall include their successors and assignees) of the other part.

WHEREAS the Borrower has under the provisions of the Rules regulating the grant of advances to Minister for purchase of motor-cars, made under the Rajasthan Minister's Salaries Act, 1956 applied to the State Government for a loan of Rs.... .. (Rupees only) for the purchase of a motor-car and the Government has agreed to lend the said amount to the Borrower on the terms and conditions hereafter contained.

NOW IT IS HEREBY AGREED BETWEEN the parties hereto that in consideration of the sum of Rs paid by the State Government to the Borrower (the receipt of which the Borrower hereby acknowledges), the Borrower hereby agrees with the State Government (1) to pay the State Government the said amount with interest calculated according to the said rules by monthly deductions from his salary as provided in the said rules and hereby authorises the State Government to make such deductions and (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of a motor-car, or, if the actual price paid is less than the loan, to repay the difference to the State Government forthwith and (3) to execute a document hypothecating the said motor car to the State Government as security for the amount lent to the Borrower as aforesaid and interest in the form provided by the said rules 4) to insure the said car against damage or loss with some Insurance Company, approved by the Government, which agrees to provide for the clause contained in Government Order No. F 13(1)IR/52, dated 25th March, 1952, in the Insurance policy taken on the motor car and (5) to pay to the Government any sum accruing to the Borrower under the insurance on account of any loss or damage to the conveyance during the currency of these presents and provided by the said rules.

AND IT IS HEREBY LASTLY AGREED AND DECLARED that if the said motor car has not been purchased, insured and hypothecated as aforesaid within one month from the date of these presents or if the Borrower within that period becomes insolvent or relinquishes his office or dies, the whole amount of the loan and interest accrued thereon shall immediately become due and payable

And if after relinquishing office, the Borrower fails to refund the entire loan or the balance outstanding together with interest, in lump the recovery may be effected as arrears of land revenue, without prejudice to any other remedy available under the law.

IN WITNESS where of the Borrower and for and on behalf of the Government of Rajasthan have hereunto set their hands the day and year first before written.

Signed by the said Shri.... in the presence of

1. witness

Signature

Occupation....

Address....

2. Witness.

Signature....

Occupation....

Address....

Signed by.... on behalf of the Governor of

Rajasthan.

Signature....

Designation....

In the presence of

1. Witness

Signature ...

Occupation ...

Address....

2. Witness

Signature....

Occupation....

Address ...

FORM II

Form of Mortgage Bond for Motor-car Advance to Minister

THIS INDENTURE made this.... day of.... one thousand nine hundred and sixty.... BETWEEN Shri resident of... (hereinafter called "the Borrower" which expression shall include his heirs, administrators, executors and legal representatives) of one part and the GOVERNOR OF RAJASTHAN (hereinafter called "the State Government," which expression shall include its successors and assignees) of the other part.

WHEREAS the Borrower has applied for and has been granted an advance of Rupees.... to purchase a motor car on the terms and conditions prescribed under the Rules to regulate the grant of advances to Ministers for the purchase of motor cars made under the Rajasthan Minister's Salaries Act, 1956 (hereinafter referred to as "the said Rules.")

AND WHEREAS one of the conditions upon which the said advance has been/was granted to the Borrower is/was that the Borrower will/would hypothecate the said motor vehicle to the Government as security for the amount lent to the Borrower.

AND WHEREAS the Borrower has purchased with or partly with the amount so advanced as aforesaid the motor vehicle particulars whereof are set out in the Schedule here under written.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and for the consideration aforesaid the Borrower doth hereby covenant to pay to the Government the sum of Rs aforesaid or the balance thereof remaining unpaid at the date of these presents by equal payment of Rs each on the first day of every month and will pay interest on the sum for the time being remaining due and owing calculated according to the said Rules and the Borrower doth agree that such payments may be recovered by monthly deductions from his salary in the manner provided by said Rules, and in further pursuance of the said agreement, the Borrower doth hereby assign and transfer unto the State Government the motor-car the particulars where of are set out in the Schedule hereunto written by way of security for the said advance and the interest thereon as required by the said Rules.

And the Borrower doth hereby agree and declare that he has paid in full the purchase price of the said Motor Car and that same is his absolute property, and that he has not pledged and, so long as any money remain payable to the Government in respect of the said advance will not sell, pledge or part with the property in or possession of the said motor car. Provided always and it is hereby agreed and declared that if any of the said instalments of principal or interest shall not be paid or recovered in manner aforesaid within ten days after the same are due or if the Borrower shall die or at any time relinquishes his office or if the Borrower shall sell or pledge or part with the property in or possession of the said motor-car or become insolvent or make any composition or arrangement with his creditors or if any person shall take proceedings in execution of any decree or judgment against the Borrower the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable and it is hereby agreed and declared that the State Government may on the happening of any of the events hereinbefore mentioned seize and take possession of the said motor-car and either remain in possession thereof without removing the same or else may remove and sell the said motor car either by public auction or private contract and may, out of the sale money, retain the balance of the

said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or realizing his right hereunder and shall pay over the surplus, if any, to the Borrower, his executors, administrators or personal representatives :

PROVIDED FURTHER that the aforesaid power of taking possession or selling of the said motor vehicle shall not prejudice the right or the Government to sue the Borrower or his personal representatives for the said balance remaining due and interest or in the case of the motor vehicle being sold the amount by which the net sale proceeds fall short of the amount owing.

AND the Borrower hereby further agrees that so long as any moneys are remaining due and owing to the State Government he, the Borrower will insure and keep insured the said motor car on comprehensive basis with an Insurance Company to be approved by the Accountant General that the motor Insurance Company with whom the said motor car is insured have received notice that the State Government is interested in the policy and the Borrower hereby further agrees that he will not permit or suffer the motor vehicle to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor vehicle, the Borrower will forthwith have the same repaired and made good.

THE SCHEDULE

Description of conveyance

Maker's name

Description

No. of Cylinders

Engine Number

Chassis/Frame No.

Cost Price

Other distinguishing particulars, if any

IN WITNESS where the said.....(Borrower) and.....for and on behalf of the Governor of Rajasthan have hereunto set their respective hands the day and year first above written.

Signed by the aforesaid mortgagor

In the presence of

1st Witness

2nd Witness

Occupation

Occupation.....

Address.....

Address.....

Signed on behalf of the Governor of the State of Rajasthan

Signature.....

Designation.....

In the presence of

1st Witness

2nd Witness

Signature.....

Signature.....

Occupation.....

Occupation.....

Address

Address.....

FORM III

Letter intimating to the Insurance Company the Government's interest in Insurance policies of Motor cars etc.

From

To

(Through the Accountant General of Rajasthan)

Dear Sir,

I am to inform you that the Governor is interested in the Motor Car Insurance Policy No secured in your company and to request that you will kindly insert a clause to the following effect in the policy.

Form of clause to be inserted in Insurance Policy

1. It is hereby declared and agreed that Shri (the owner of the Motor Car/Cycle hereinafter referred to as the insured in the schedule to this policy) has hypothecated the Motor Car/Cycle to the Governor of Rajasthan (hereinafter called the Government) as security for an advance for the purchase of the Motor Car/Cycle and it is further declared and agreed that the Government is interested in any monies which but for this endorsement be payable to the said Shri... .. (the insured under this policy) in respect of the loss or damage to the said Motor Car/Cycle (which loss or damage is not made good by repair, reinstatement or replacement) and such monies shall be paid to the Government as long as he is the mortgagee of the Motor Car/Cycle and his receipt shall be full and final discharge to the company in respect of such loss or damage.

2. Save as by this endorsement expressly agreed nothing hereto shall modify or affect the rights or liabilities of the insured or the company respectively, under or in connection with this policy or any term, provision or condition thereof.

Yours faithfully

Place.... ..

Date.... ..

Signature.... ..

Designation

THE RAJ. MINISTERS OFFICIAL RESIDENCES (USE & MAINTENANCE) RULES, 1966

Cabinet Secretariat

NOTIFICATION

Jaipur, May 4, 1966.

No. F. 8 (39) Cab./63.—In exercise of the powers conferred by sub-section (1A) of section 5 of the Rajasthan Ministers' Salaries Act, 1956 (Rajasthan Act 43 of 1956) and in supersession of all orders issued from time to time in this behalf, the Governor of Rajasthan is pleased to make the following rules, namely:—

1. (i) These rules may be called "The Rajasthan Ministers official Residences (Use and Maintenance) Rules, 1966",

(ii) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context:—

(a) "Official residence" means a building including the staff quarters, out-houses and other buildings, ground, gardens appurtenant thereto, and the installations thereof, set apart for the residence of a Minister.

(b) "Occupier" in relation to an Official residence means the Minister occupying the official residence,

(c) "Schedule" means the Schedule appended to these rules.

3. Subject to the provisions of sub-section (2) of section 5 of the Rajasthan Ministers' Salaries Act, 1956 (Rajasthan Act 43 of 1956), the State Government shall provide each Minister with a free furnished official residence in Jaipur, of which the capital cost of construction shall not exceed Rs. 1 lakh.

Explanation: For the purposes of these rules the words "Furnished" shall include the provision of:—

(a) refrigerators,

(b) all fixtures (electrical, mechanical and for water supply);

(c) Khas-Tattis,

(d) Chicks,

(e) Curtains,

(f) Tat-Purdas,

(g) Curtain-rods,

- (h) Cylinders or water heaters, and
- (i) Gaddas, spring-beds and Takhats.

4. (1) Where a building is first earmarked as the official residence of a Minister, the maximum expenditure to be incurred on the initial furnishing thereof shall be limited to Rs. 10,000/- in the case of the Chief Minister and to Rs. 7,500/- in the case of each Minister. This limit is inclusive of the cost of refrigerator.

(2) The furniture, supplied rent-free at the Chief Minister's Official residence and at the residence of each Minister for his office, P.A.'s Office Waiting Room, Drawing room, Servants quarters, Guard room etc. shall be as indicated in the Schedule. This shall be in addition to the furnishing referred to in sub-rule (1). The furniture shall be supplied by Chief Engineer (B. & R.) and shall be of standard pattern and quality.

5. Furniture supplied to Ministers in excess of the prescribed limits shall be charged for at the rate of 12% per annum of the capital cost of the furniture.

6. Annual repairs equal to 1% and special repairs (every fourth year) equal to 2% of the capital cost shall be regularly undertaken by the Chief Engineer (B. & R.). Improvements, costing up to Rs. 7500/- and Rs. 2500/- p.a. may be made in the official residences of the Chief Minister and Ministers respectively :

Provided that expenditure in excess of the aforesaid amounts may be made with the previous sanction of the State Government.

7. The Public Works Department of the State Government shall maintain the grounds and gardens of the official residences of the Chief Minister/Minister and pay all expenditure like cost of the seeds, manure and tools used in the garden and the pay of the garden staff. Such expenditure shall not, except as otherwise directed by the State Government, exceed Rs. 100/- per mensem on any official residence. The crops grown in the grounds and the gardens shall be utilised by the occupier of the official residence.

8. Furniture for the Minister's office and for the office of the Personal Assistant, Drawing room, Servants quarters, Guardroom etc. at the Minister's Official residence to be supplied free of rent as indicated in the Schedule, shall be supplied on demand to Ministers who may be living in their own or private-rented houses.

9. No person holding the office of a Minister shall, on ceasing to hold the office, continue to occupy the official residence in his occupation for a period exceeding thirty days or such longer period as the State Government may, having regard to the circumstances of any particular case, fix and occupation during such period shall be on the same terms and conditions on which the person concerned was in occupation as Minister.

Schedule

PART I

Scale of Furniture provided at the residence of the Chief Minister [Rentfree].

Office of the Chief Minister.

1. Durry 18' x 18'	1 No.	2. Carpet	1 No.
3. Table (Big)	1 No.	4. Chair caned armless	12 Nos.
5. Paper rack	1 No.	6. Easy chair	1 No.
7. File rack	1 No.	8. Office table	1 No.

Office of P A.

1. Office table	1 No.	2. Chair Caned armed	1 No.
3. Table [Small]	1 No.	4. Side Rack	2 Nos.
5. Almirah	1 No.	6. Waste Paper Basket	1 No.

Waiting Room

1. Sofa set in 3 pieces with spring	2 Sets.	2. Loose cover of above in 3 pieces	2 Sets.
3. Durry	1 No.	4. Coiridoor Mat	3 Nos.
5. Central table round folding	1 No.	6. Door curtain	10 Nos.
7. Window curtain	6 Nos.		

Drawing Room.

1. Sofa set in 3 pieces	2 Sets	2. Loose cover of above in 3 pieces	2 Sets
3. Carpet 24'-6"x12'	1 No.	4. Tea table	1 No.
5. Dewan with dunlop pillow	1 No.	6. Door curtain	10 Nos.
7. Window curtains	6 Nos.		

First floor Rooms for V.I.Ps.

1. Durry 23'-6"x16'-6"	1 No.	2. Carpet 18'x16'	1 No.
3. Niwar bed head and side rail	1 No.	4. Niwar bed	3 Nos.
6. Chowki	4 Nos.	5. Cotton Mattress	2 Nos.
8. Door curtains	8 Nos.	7. Coiridoor mat	4 Nos.
10. Central table with glass top with 4 peg tables	1 Sets.	9. Window curtains	6 Nos.

Dressing room attached with the room:

1. Dressing table with long Mirror	1 No.	2. Door curtains	3 Nos.
		3. Window curtains	4 Nos.

Bed room attached with the room.

1. Office chair caned armed	1 No.	2. Electric heater 2000 watt. (Universal)	1 No.
3. Door Curtain	2 Nos.	4. Window Curtains	2 Nos.
5. Niwar Bed	1 No.		

Bath room attached.

1. Wooden bath patta	1 No.
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Study room attached with the room.

1. Usha Air Circulator	1 No.	2. Reed Mudhas	2 Nos.
3. Table round	1 No.	4. Niwar bed	1 No.

Servant quarters (2 Nos.)

1. Moonji Cots	4 Nos.	2. Stool	2 Nos.
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Guard room (2 Nos.)

1. Moonj Cot	2 Nos.	2. Stool	2 Nos.
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PART II

Seal of furniture provided at the residences of the Ministers & Dy. Ministers
(Rent Free)

Office of the Ministers and Deputy Ministers

1. Durry	1 No.	2. Almirah	1 No.
3. Office table	1 No.	4. Office Chair	1 No.
5. Spare Chair	4 Nos.	6. Small table	1 No.
7. Book case or side rack	1 No.	8. Coirdoor mat	1 No.
9. Table lamp	1 No.	10. Door and Window curtains	1 No.

Office of P.A.

1. Table	1 No.	2. Chairs	4 Nos.
3. Side rack	1 No.	4. Small table	1 No.
5. Almirah	1 No.		

Drawing room.

1. Durry	1 No.	2. Carpet	1 No.
3. Sofa sets 3 pieces	1 Set.	4. Loose covers for set	2 No.Sets
5. Central table	1 No.	6. Peg tables	2 Nos.
7. Door and Window curtains	1 No.	8. Coirdoor Mat	1 No.

Front Verandah (Waiting space)

1. Reed mudhas	6 Nos.	2. Hat stand	1 No.
3. Telephone basket	1 No.	4. Reed chicks (if any)	1 No.
5. Coirdoor mat	1 No.		

Servant quarters (2 Nos.)

1. Moonj Cot	4 Nos.	2. Stools	2 Nos.
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Guard room (1 No.)

1. Moonj Cot	2 Nos.	2. Stool	2 Nos.
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By Order of the Governor,
B. MEHTA,
Chief Secretary.

Rules and Notifications under

MINOR IRRIGATION WORKS ACT, 1953.
THE RAJASTHAN (12 OF 1953).

THE RAJASTHAN Minor Irrigation Works Rules, 1956.

REVENUE DEPARTMENT NOTIFICATION

Jaipur, September 3, 1956

No. F. 5 (12) Rev-A/55.—In exercise of the powers conferred by section 49 of the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953), the State Government has made the following rules, the same having been previously published as required by the said section.

R. N. HAWA,
Secretary to the Government.

Notes

The Rajasthan Minor Irrigation Works Act, 1953 is meant to provide for the construction, improvement and maintenance of minor works in Rajasthan. Section 49 of the Act authorises the State Government to make rules for carrying out the purposes of the Act. Section 49 reads as under :—

(1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made as to all or any of the following matters, namely:—

- (a) the nature, scope and extent of works to be undertaken under this Act;
- (b) the conduct of an inquiry under section 3 and other matters relating to the preparation of a draft scheme;
- (c) the publication and service of notices under sections 4 and 11;
- (d) the particulars and documents to be embodied in or submitted with a draft scheme;
- (e) the rates leviable from owners and the methods of assessing the same and time of payment;
- (f) the officer to whom an appeal shall lie under section 20;
- (g) the procedure to be adopted in proceedings held under section 24 or section 40 for the enhancement or abatement of rent;
- (h) the remuneration of persons collecting sums for the State Government under section 29 and their indemnification against expenses properly incurred in collection;
- (i) the delegation by the State Government of any powers conferred upon it under this Act;
- (j) any other matter that may be or is required to be prescribed by this Act; and
- (k) generally to give effect to the provisions of this Act,

(3) In making any rule under this section the State Government may declare that a breach of such rule is punishable under this Act.

(4) All rules made under this section shall be published in the Rajasthan Gazette, and on such publication shall have effect as if enacted in this Act.

These rules have been framed to provide for the matters referred to in the Section.

These rules have been first published in Rajasthan Raj-patra Dated September 20, 1956 in part IV (c) at page 586.

1. *Title and commencement.*—(1) These rules may be called the Rajasthan Minor Irrigation Works Rules, 1956.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless there be something repugnant in the subject or context:—

(1) “the Act” shall mean the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953).

(2) “section” shall mean a section of the Act.

(3) words and expressions defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) shall have the meanings assigned to them by that Act.

3. *Nature, extent and scope of work.*—These rules shall apply to the following works:—

(1) Construction of small Bunds and Nadas;

(2) Construction and improvement of water-courses, whether defined artificial channels or natural channels;

(3) Construction of masonry wells;

(4) Conversion of Kham wells into masonry wells;

(5) Construction of Kham wells;

(6) Improvement of masonry wells which are out of use and the lands whereunder have been classed as Barani during the current settlement; and

(7) Boring of wells.

Explanation.—Improvement shall mean improvement of the works effected in accordance with the draft scheme within the period specified in the order.

4. *Maintenance of works.*—Where the work is constructed by the Government out of its funds, it shall be maintained by the Government. In cases covered by clause (h) of sub-section (1) of section 10, it shall be maintained in accordance with the agreement.

5. *Nature of enquiry under section 3.*—The Collector or any other officer directed to make an enquiry under section 3 shall enquire into the following matters before submitting his report, namely:—

(1) Khewat Nos., Khasra Nos., area, soil class, and the rent of lands which the proposed work would benefit;

(2) Name, description, and place of residence of the landholders and the tenants interested in the land their status, e.g. Zamindar, Bisweddar, Jagirdar, or Khatedar tenant or tenant of Khudkasht or Ghair Khatedar tenant;

(3) Full details of the work proposed to be done;

(4) Estimated total expenditure on the work, with details of dimensions and other particulars as far as possible; and

(5) Estimated approximate benefit, i.e. extent of increase in irrigation or bed cultivation, that the work is expected to result in.

6. *Publication of notice under section 4.*—(1) The notice under section 4 shall be published in the village or villages concerned by affixing a copy thereof on the Village Chaupal, if any, and by announcing the contents of the notice at a prominent place, and also, if so directed by the Collector, by publishing it by beat of drum.

(2) The notice shall be in Form A appended to these rules.

(3) The copy of the notice to be served on the owners of land shall be so served in the manner prescribed for the service of summons and processes issued by revenue courts.

7. *Particulars and documents to be embodied in or submitted with a draft scheme.*—In addition to the documents specified in section 10 the draft scheme shall also be accompanied by the Khewat Nos., Khasra Nos. and particulars of the soil class, and rent of the land which would be benefitted by the work, together with a description and address of the land-holders and tenants interested in the land.

8. *Publication of notice under section 11 and particulars of draft scheme to be published.*—(1) The notice under section 11 shall be published in the manner provided in Rule 6.

(2) The notice under section 11 shall be in Form B appended to these rules and shall contain the following particulars of the scheme namely; the category of scheme as mentioned in Rule 3, the Khasra numbers of the land in which work would be situated, the Khasra numbers of the land to be acquired for the work and the estimated cost of the work.

9. *Appeal against an order under section 16.*—An appeal against an order under section 16 shall lie to the Collector of the district in which the land in relation to which or in relation to whose owner the order is made, falls and shall be preferred in the manner prescribed for the filings of appeals in revenue suits and proceedings.

10. *Rates leviable under section 19.*—In addition to the land revenue, or rent, payable by the owners, the owners of the land benefitted by the scheme shall pay—

- (a) in the case of owners executing an agreement under clause (b)(i) or clause (b)(ii) of sub-section (1) or sub-section (3) of section 10, the sums due under the said agreement;
- (b) in the case of other owners, a rate per acre of the land benefitted by the work which would yield an interest at six and a half per cent per annum on the total expenditure incurred on the construction and maintenance thereof :

Provided that the rate per acre shall in no case exceed rupees ten per acre per annum.

(2) The assessment shall be made by the Sub-Divisional Officer concerned.

(3) The sums due under clause (a) and the water rate due under clause (b) of this rule shall be payable along with the instalment of revenue or rent and shall be recoverable as such.

Rules and Notifications under

RAJASTHAN MONEY LENDERS ACT, 1963.

THE RAJASTHAN MONEY-LENDERS RULES, 1965

Revenue (c) Department

Jaipur, August 25, 1965

Notification No. F. 23 (2) Rev /D./54.—In exercise of the powers conferred by section 48 of the Rajasthan Money-lenders Act, 1963 (Rajasthan Act I of 1964), read with sections 4, 5, 7, 8, 10, 13, 21, 22, 23; 24, 26 and 34 thereof, the State Government hereby makes the following rules the same having been previously published as required by sub-section (3) of section 48 of the said Act, namely :—

1. Short title.—(1) These rules may be called the Rajasthan Money-lenders Rules, 1965.

(2) These rules shall come into force on the first day of October, 1965.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Rajasthan Money-lenders Act, 1963;

(b) “Form” means a form appended to these rules; and

(c) “section” means a section of the Act.

3. Register of money-lenders —The register of money-lenders required to be maintained under section 4 shall be in Form No. 1.

4. Display of list of licensed money-lenders. —Every Assistant Registrar shall display on a notice board in his office a list of money-lenders licensed to carry on the business of money-lending in the area under his jurisdiction. Such list shall contain the addresses of the money-lenders.

5. Application for grant or renewal of licence.—A money-lender desiring to carry on the business of money-lending in any area shall make an application in Form No. 2 to the Assistant Registrar concerned. The application shall be delivered at the office of the Assistant Registrar during office hours either personally by the applicant or through an agent duly authorised in writing in this behalf or send by registered post addressed to the Assistant Registrar.

6. Change in partnership or management.—If, during the currency of a licence, a new partner is taken up or a person is appointed as responsible for the management of the business of money-lending, the money-lender shall, within seven days, communicate to the Registrar the name of the partner so taken up or of the person so appointed; and shall satisfy the Registrar that the new partner or the person appointed is not himself disqualified from holding a licence on any of the grounds mentioned in section 8.

7. Change of address.—A money-lender shall communicate to the Registrar any change in his address giving full details of the new address within seven days of such change.

8. Procedure for summary inquiry under section 7.—On the receipt of an application for the grant or renewal of a licence the Assistant Registrar shall make the summary inquiry under section 7 by examining the applicant or person responsible for the management of the business of money lending or such other persons as he may deem fit, by calling for such information from the applicant as he considers necessary and by inspecting or causing to be inspected such accounts and documents as he may deem fit in order to satisfy himself about the bonafides, and conduct of the applicant. If from the examination made or information supplied, the Assistant Registrar is not so satisfied, he may take further steps to satisfy himself. The Assistant Registrar shall maintain a record of such inquiry and shall sign below the same. The record shall contain a brief memorandum of the substance of evidence taken and a summary of the conclusions regarding the facts elicited during the inquiry.

9. Form of licence.—The licence under section 7 shall be in Form No. 3

10. Manner of payment of licence fee.—(1) The licence fee payable under section 6 shall be paid in cash at the time of presenting the application, or by remitting it by postal money-order addressed to the Assistant Registrar, or by crediting to Government account at a treasury, sub-treasury or bank authorised by the Rajasthan Government to transact business on its behalf, and forwarding the receipt of the postal money-order or the receipted challan to the Assistant Registrar alongwith the application.

(2) The Registrar, while forwarding copies of the licence for the Principal place and the application to other Registrar or Registrars shall make an endorsement in token of having received the requisite licence fee.

11. Reasons for refusing to grant licence to be communicated to applicant.—If a Registrar refuses to grant a licence, he shall communicate to the applicant his reasons for so doing.

12. Form of application for removal of disqualification and fee therefor.—An application for removing a disqualification referred to in sub clause (ii) of clause (d) of section 8 shall be made in Form No. 4 to the Secretary to the Government of Rajasthan in the Revenue Department. A fee of ten rupees shall be deposited in the Government treasury and the receipt (challan) thereof shall be forwarded with the application.

13.—Display of licence.—Every money-lender shall exhibit his licence in a prominent place on the premises where he carries on the business of money lending.

14 Issue of duplicate licence.—(1) When a licence granted to a money-lender is lost, destroyed, or torn or otherwise defaced in such a manner as to render it illegible, the money-lender may make an application

to the Registrar through the Assistant Registrar concerned, for the grant of a duplicate licence.

(2) Where a duplicate licence is required on the ground that the original licence is torn or defaced, the money-lender shall surrender the original licence to the Registrar alongwith the application made under sub-rule (1).

(3) An application under sub-rule (1) shall be accompanied by a fee of ten rupees. The fee shall be paid in the manner prescribed in rule 10.

(4) On receipt of such application, if the Registrar is, after making such inquiry as may be deemed necessary, satisfied that a duplicate licence may be issued to the money-lender, he shall issue a duplicate licence and direct the Assistant Registrar to make a note of the issue of such a duplicate licence to the money-lender against his name in the register.

(5) The duplicate licence so issued shall bear on its face the number and date of the original licence and shall also bear the word "Duplicate".

15. Procedure for inquiry under section 13—The Registrar, on receipt of an application for cancellation of a licence under section 13, shall examine the applicant and such other persons as he may deem fit and if he is satisfied that a *prima facie* case is made out, he shall give a notice in writing to the money-lender asking him to show cause why his licence may not be cancelled, and after hearing both the parties and examining such witnesses of either side as he may consider necessary, shall pass necessary orders thereon in accordance with the provisions contained in sub-section (3) and (4) of section 13.

16. Procedure for effecting transfer of a licence when a licensee dies.—

(1) Any person claiming to be the legal representative of a deceased licensee may apply to the licensing authority in Form No. 5 for transferring in his name the licence standing in the name of the deceased.

(2) A certificate of death issued by the Village panchayat or the Municipal Board or Council concerned or the registered medical practitioner who attended on the deceased shall ordinarily accompany the application in Form No. 5

(3) The declaration to be obtained from the legal representative under sub-section (3) of section 21 shall be in Form No. 5

17. Forms of cash-book, ledger and statement and receipt under section 22.—(1) The cash-book and ledger to be maintained by a money-lender under sub-section (1) of section 22 shall be in Forms Nos. 6 and 8 respectively, or in Forms Nos. 7 and 9 respectively. Provided that the first cash-book and ledger under this sub-rule may be maintained from the commencement of the accounting year of the money-lender next after the commencement of the Act if the money-lender maintains a cash-book and ledger in a different form.

(2) The receipts under sub-section (4) and (5) of section 22 shall be in Forms Nos. 10 and 11.

(3) The statement under clause (a) of sub-section (2) of section 22 shall be in Form No 12.

(4) The statement referred to in sub-rule (3) shall be delivered by the money-lender personally or sent by post under a certificate of posting.

18. Annual statement of accounts to be delivered by money-lender to debtor etc. under section 23.—(1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (1) of section 23 shall be in Form No. 13

(2) The statement shall be furnished to each of the debtors within sixty days after the close of the year for which the accounts of the money lender are ordinarily maintained.

(3) The statement shall be delivered by the money-lender personally or sent by post under certificate of posting.

(4) The fee to be paid by a debtor to a money-lender for supplying a statement of accounts under sub-section (2) of section 23 shall be fifty paise.

(5) The expenses to be recovered from a debtor for supplying copies of documents by a money-lender under sub-section (3) of section 23 shall be according to the following scale:—

For copying 100 words or fraction thereof	5 paise
For copying 100 words or fraction thereof ... (tabular statement)	10 paise
Cost of paper	2 paise each.

19. Fees for supply of statements or pass books.—(1) The rate of fees recoverable under sub-section (2) of section 24 shall be—

(a) twelve paise for each statement or a copy thereof supplied under sub-section (2) of section (22) and sub-section (1) of section 23; and

(b) fifty paise for each pass-book containing not less than eight pages excluding cover pages supplied under sub-section (2) of section 22 and sub-section (1) of section 23.

(2) The amount on account of such fees shall be shown separately in the debtor's account

20. Form of pass-book—The pass-book mentioned in section 22 shall be in Form No. 14 or 15.

21. Notice and information to be given on assignment of loan.—The notice to be given to an assignee under clause (a), the statement of information to be supplied to an assignee under clause (b), and the notice to be given to the debtor under clause (c) of sub-section (1) of section 31, shall be in Forms Nos. 16, 17 and 18 respectively.

22. Form of application under section 34.—The application to be made by a debtor under sub-section (1) of section 34 shall be in Form No. 19 and shall be accompanied by a court fee of one rupee.

23 Copies of document of fees—(1) Any party to any application, inquiry or appeal under the Act before the Assistant Registrar, Registrar-General or any person who is interested in such application, inquiry or appeal may apply to the Assistant Registrar, Registrar or Registrar General as the case may be, for a copy of any document in the record of such application, inquiry or appeal.

(2) The application shall be accompanied by deposit of an amount to cover the cost of preparing copies according to the following scale of copying fees, namely:—

- (a) in the case of copies, five paise for every twenty-five words or fraction thereof;
- (b) in the case of certified copies, additional five paise for every one hundred words or fraction thereof for comparing;
- (c) in the case of documents in tabular forms, twice the ordinary rate;
- (d) when the description of the document given in the application is incorrect or deficient, and it shall in consequence be necessary for the Record-Keeper to search his record in order to find it, a fee at the rate of one rupee for each year of which the records are searched shall be payable by the applicant for such search, whether the document be found or not and whether the copy for which he applies, on examination of the said document, be granted or not.

(3) The amount calculated according to the above scale shall be retained by the Assistant Registrar or Registrar General to whom the application for grant of copies is made, as copying fees and the surplus amount, if any, deposited by the person applying for copy or copies shall be refunded to him at the time of supplying the copy.

Provided that the person applying for copies shall, if the amount deposited by him is not sufficient to cover copying fees, pay the deficit before taking delivery of the copy.

24. Form of summons.—The summons to be issued for enforcing the attendance of any person under section 15 shall be in Forms. Nos. 20, 21, 22, or 23 as the case may be.

FORM No. 1

(Rule 3)

Register of Money Lenders

Office of the Assistant Registrar ofTensil.... District

Serial No.	Name, father's or husband's name, caste or religion and full address of the money-lender*	Name, father's name, religion and full address of the person or persons responsible for the management of the business if any.	Full details of the principal place of business and of the branches thereof.
1	2	3	4

Date and S. No. of previous licence if any	Date of the issue of the present licence	Serial No. of application	Cancellation of licence @ if any; with date and particulars
5	6	7	8
Orders of Appellate Authority, if any.	Particulars of cancellation or suspension of licence under S. 17 (3) (a) or disqualification under s. 17 (3) (b).	No of duplicate licence issued with dates.	
9	10		11
Signature of Assistant Registrar	Remarks.		
12	13		

*In the case of an undivided Hindu family column 2 should show the names and addresses of the manager and adult co-parceners of such family; in the case of a company, column 2 should show the names and addresses of the directors and manager or principal officer and in case of an unincorporated body of individuals, the names and addresses of all individuals.

When filling up this column the section of the Act under which cancellation is made should be entered.

FORM No. 2 (Rule 5)

Application for the grant of a licence to a money-lender.

In the office of the Assistant Registrar of
P.O
Tehsil
District

- Name of the applicant, with father's or husband's name, residence and address in full
Names of the manager and the adult coparceners of the undivided Hindu Family with Father's names, residence and address in full
Name of the director, manager or principal office managing the company with father's or husband's name, residence and address in full.
Names of all the persons forming an unincorporated body; with father's or husband's names, residences and addresses in full.
- Name in which the applicant carries on, or intends to carry on his money-lending business.

3. Name of the area within which the applicant has or intends to start his business of money-lending on the date of the application.... ..
4. Names of persons responsible, or proposed to be responsible, for the management of the applicant's money lending business with the father's or husband's name, residence and address in full.
Location of the applicant's place or principal place of business with full particulars thereof and the name, father's or husband's name, and address of the person incharge
6. Whether the person signing the application has himself or any of the adult coparceners of an undivided Hindu family, or any director, manager or principal officer of the Company or any member of the unincorporated body on behalf of which the application is made, as the case may be has carried on the business of money-lending in the State in the year ending on the 31st day of March, immediately preceding the date of the application either individually, or in partnership or jointly with any other coparcener or any other person and whether in the same or any other name.....
7. Is the applicant or any other person on behalf of whom the application has been made, carrying on or intends to carry on the business of money-lending in any other place in the State ? If so, give complete particulars with the name, father's or husband's name, and address of the person in charge of each office Give particulars of the location of each such office and the area within which the business of moneylending is being carried on or is proposed to be carried on at each such place
8. What is the extent of the total business of the applicant on 31st March ?
9. What is the total amount of the capital which the applicant intends to invest in the business of money-lending in the year for which the application has been made ?
10. What is the year for which the applicant's accounts are maintained ?
11. Has the applicant carried on the business of money-lending in the past and if so, since when ?
12. Has any application for licence previously been made ? If so, when, where and with what results ?
13. In case the application has previously been granted, give full particulars of the licence
14. Has any licence granted previously to the applicant been cancelled or suspended or does it contain any endorsements of the Court or any disqualifications imposed by the Court ? If so full, particulars should be given including the name of the officer and/or Court and the date and terms of the order
15. Is money-lending the sole business of the applicant or is he engaged in any other business, profession or calling ? If so, state such business, profession or calling

16. Whether the applicant is a full-time servant in the employment of Government or of a local authority; if so, state the designation of the post held and (ii) whether by rules applicable to him in that capacity he is entitled to start or carry on the business of money-lending

Certified that all the facts set out in the application are true to my knowledge except paragraphs, which are true to my belief being based on information supplied by.....

Signature of applicant with date.

FORM No. 3

(Rule 9)

Money-Lenders Licence

District.... Full name and address of the money-lender..

Tehsil.... Full name/s of persons responsible for the money-lending business

Place P. O.

Licence No..... Full name/s of partners or coparceners....

Name in which money lending business carried on....

Full address of the place of business..

This Licence has been granted to..... to carry on the business of money-lending subject to the provisions of the Rajasthan Money-Lenders Act, 1963, and the rules made thereunder and the following conditions, namely :—

- (1) The licence shall be valid up to 31st July....
- (2) It shall entitle the money-lender to carry on the business of money-lending in*
- (3) The licence shall surrender the licence when ordered to do so by the Registrar granting it or by the Registrar-General or by a Court.

Registrar of Money-Lender

Seal

Date:—

Bank

Endorsement, if any:

Signature

*Here insert area.

Remarks

FORM No. 4

(See rule 12)

Form of Application for removal of disqualification under clause (d) (ii) of sub-section (1), section 8 of the Rajasthan Money-Lenders Act, 1963 (Rajasthan Act 1 of 1963)

To

The Secretary to Government,
Revenue Department,
Government of Rajasthan,
Jaipur.

I/We the undersigned applicant/applicants, hereby apply under clause (d) (ii) of sub-section (1) of section 8 of the Rajasthan Money-lenders Act, 1963, for removal of my/our disqualification (s) for holding a licence under section of the said Act, Particulars relating to my/our case are given below :—

The challan showing the deposit of the prescribed fee of Rs.....is attached herewith.

Particulars.

1. Name of applicant and his address
2. Number of licence with date of cancellation.
3. Conviction, if any, with particulars, date, section, etc.
4. Nature of sentence awarded.
5. Reasons for removal of disqualification.
6. Special grounds; if any.
7. Remarks.

Signature.

FORM No. 5

(Rule 16)

Form of application for the transfer of licence

To

The Registrar,

1. Name in full of the applicant applying for the transfer of the licence.
2. Address in full of the applicant.
3. Name in full of the deceased licensee
4. Address in full of the deceased licensee.
5. Licence number and date (now sought to be transferred)
6. Applicant's relationship with the deceased, licensee.
7. Is the applicant the only heir of the deceased, and if not, mention the names of the other legal heirs
8. Is the applicant a member of undivided Hindu family and if so, is he the manager?
9. Is the applicant already a licensee under the Act and if so give particulars.

10. Is the certificate of death of the licensee enclosed ? If not, the reason should be stated.

Signature of the applicant.

I declare that the particulars stated above are correct and true to the best of my knowledge and belief:

Signature of the applicant.

FORM No. 6
(Rule 17)
Cash Book

Receipts				Disbursements			
Date	Particulars	Ledger folio	Amount	Date	Particulars	Ledger folio	Amount
			Rs. P.				Rs. P.
1964				1964			
Aug. 2	Brought forward Interest received from A. B. on the mortgage bond dated.....	6000.00		Aug. 2	Lent to C.D.	5000.00	
	from	25.00			Rupees five thousand; interest.....		5000.00
	to.				per annum		
			6025.00		By balance C/F	1025.00	
			6025.00				6025.00
Aug. 3	to balance B/F	1025.00					

In case of loans in kind, the entry shall contain clear reference to the Commodity advanced, with market value of same at the date of each transaction.

FORM No. 7
(Rule 17)
Cash Book

Date.....

Creditor.....

Debtor.....

Amount	Particulars	Amount	Particulars
Rs. P.		Rs. P.	
	Opening blance brought forward.		
	Closing balance Carried over.		

N. B. The Ledger Folio number should be entered in any convenient manner.

FORM No. 8

(Rule 17)

Debtor....

Name and address of the debtor... ..ledger account....

Ledger Folio No ..

Date.	Principal amount borrowed or debited	Amount of fees due in respect of supply of statement of debts.
-------	--------------------------------------	--

1	2	3
---	---	---

Amount repaid or credited,

Principal	Interest	Fees for statements of debts	Total
-----------	----------	------------------------------	-------

4	5	6	7
---	---	---	---

Balance due after each transaction

Principal	Interest	Fees for statements of debts.
-----------	----------	-------------------------------

8	9	10
---	---	----

Details of calculation of interest

Principal due	Months	Amount of interest recovered	Remarks
---------------	--------	------------------------------	---------

11	12	13	14
----	----	----	----

FORM No. 9

(Rule 17)

Ledger Folio No.....

Date of Loan....

Name of debtor ..

Amount of Loan.....

Full address of debtor.....

Date of maturity of loan; if any....

Rate of interest per annum

Nature of security if any

Particulars of documents, if any.....

Any special conditions on which loan has been made

Creditor			Debtor		
Amount	Date	Page No. of the corresponding entry in the cash book	Particulars	Amount	Date
				Page No.	Particulars
				of the corresponding entry in the cash book	

Total Receipt

Total payment

Debited (during the year)

Abstract

Interest.

Recoveries (during the year)

Principal

Net balance due carried over

FORM No. 10

(Rule 17)

Receipt,

Counter-foil

Serial No. Date

Money-lender's name and address

Licence No.

Received Rs

from Shri (debtor's name)

in respect of loan of Rs

advanced on and the

amount has been credited as follows:

Towards Principal Rs.....paise

Towards Interest

from (date) to.....Rs paise

Signature of the Money-lenders.

Signature of the debtor

FORM No. 10

(Rule 17)

Receipt.

(Receipt to be given to the debtor)

Serial No. Date

Money-lender's name and address

Licence No.

Received Rs....

from Shri .. (debtor's name)

in respect of loan of Rs.....

advanced on and the

amount has been credited as follows:

Towards Principal Rspaise

Towards Interest

from(date) to..... Rs.....paise

Signature of the Money-lender.

FORM No. 11

(Rule 17)

Serial No.....

Date

Money-lender's name and address

.....

Licence No.....

Serial No.....

Date

Money-lender's name and address

.....

Licence No.....

Receipt

Receipt

Counter foil

Receipt to be given to the debtor

1. Full name of the debtor and his full address.
2. Caste (if he/she belongs to backward class).
3. Full particulars of the security.
4. Estimated value.
5. Total amount of loans advanced.
6. Other connected information.

Signature of the debtor.

1. Full name of the debtor and his full address.
2. Caste (if he/she belongs to backward class).
3. Full particulars of the security.
4. Estimated value.
5. Total amount of loans advanced.
6. Other connected information.

Signature of the Money-lender or of the person responsible for the money-lending business.

In the case of valuable articles, weight of the articles, etc. should be given against item No. 3 above.

FORM No. 12

(Rule 17)

Statement showing the details of conditions of the loan.

Name of debtor

Address.

- (1) Amount of loan (2) Date of loan.....
- (3) Date of maturity of the loan, if any
- (4) Rate of interest per annum
- (5) Nature of the security..... (weight, estimated value, etc.)
- (6) Particulars of documents, if any.
- (7) Any special conditions on which the loan has been made.
- (8) Other connected information.

Signature of Money-lender.

Name and address of money-lender

Licence No.....

Date

N. B.—A separate statement shall be furnished in respect of each loan transaction.

In case of loans in kind, there shall be reference to the commodity advanced along with market value of the same at the date of each transaction.

FORM No. 13

(See Rule 18)

Annual statement of Accounts to be delivered by a money-lender to his debtors within sixty days after the close of the year.

1. (a) Name of the Debtor . (b) Occupation. (c) Address
2. Number of Ledger Account or Ledger Folio.
3. Amounts of principal and interest separately due to the money-lender and the amount of fees due in respect of supply of statements of debts:
4. Amount of every payment already received by the money-lender in respect of the loan during the account year together with the date on which each payment was made,
5. All payments credited first in the account of interest, and the residue, if any, of any payment more than sufficient to discharge the balance of interest due at the time it is made, credited to the debtor in the account of principal or at the choice of the money-lender to either of the two accounts or both.
6. Payment made on account of fee due in respect of supply of statements of debts.
7. The amount of principal remaining unpaid the interest thereon and the amount remaining unpaid on account of fees due in respect of statements of debts.

Signature of

Money lender or his agent.

Address of Money-lender

Licence No

FORM No. 14

(Rule 20)

PASS-BOOK

(Cover Page)

Name of the Money-lender.... His address.....

Licensed money-lender under the Rajasthan Money-lenders Act 1963.

Name of the Debtor His address

Contents of the Pass Book,

PASS BOOK

Name of the money-lender Name of the debotor.....

His Address.... His Address

S. No.	Date month and year	Amount of loan advanced	Nature of Se- curity, parti- culars of do- cuments and special condi- tions if any	Rate of interest	Date of maturity	Total amo- unt repaid by the debtor
1	2	3	4	5	6	7
	Amount repaid by the debtor how credited		Balance to be recovered from the debtor		Signature of the money lender	Remarks,
	Principal	interest	principal	Interest		
	8	9	10	11	12	13

FORM No. 15

(Rule 20)

PASS-BOOK

(Cover Page)

Name of the licensed Money-lender

His Address

Name of the Debtor.....

His Address

(Contents of the Pass Book)

PASS-BOOK

Credit

Debt

Amount	Date	Particulars	Signature of the money- lender.	Amount	Date	Parti- culars.	Signature of the money- lender.
--------	------	-------------	--	--------	------	-------------------	--

Annual abstract

Total receipt

Total payments

Principal and interest

Signature of the money lender

FORM No. 16

(Rule 21)

Please take notice under clause (a) of sub-section (1) of section 31 of the Rajasthan Money-lenders Act, 1963, that pursuant to the agreement made by me with you.

to assign the loan
 the balance of the loans
 interest on the loan
 balance of interest on the loan

advanced to Shri.... .. Address.... ..
 together with accrued interest/balance of interest and benefits of the agreement under which the aforesaid loan was given to the debtor as well as security in respect of loan/interest on loan, you will be subject, with effect fromto the provisions of the Rajasthan Money lenders Act, 1963.

Signature of the Money-lender
 Prior assignee of the Money-lender
 Date

FORM No. 17

[Rule 21]

Statement of information to be supplied to the assignee under clause (b) of sub-section (1) of section 31 of the Rajasthan Money Lenders Act, 1963.

Name of the money lender including subsequent assignees, if any, and his/their address/addresses.—

Name of debtor—

Address—

1. Date of loan.....2. Amount of loan..... ..
3. Rate of interest per annum..... ..
4. Amount of fees due in respect of supply of statements of debts.... ..
5. Total repayments made by the debtor up-to-date

(a) Principal	(b) Interest
(c) Fees for supply of statements of debts	(d) Total
6. Amount outstanding on

(a) Principal	(b) Interest
(c) Fees for supply of statements of debts	(d) Total
7. Nature and value of the security
8. Particulars of documents including previous assignments, if any.

9. Any special condition attaching to the "
10. List of document of which copies are attached
- 11 Other information, if any

Signature of Assigner/Money-lender
 Address
 Date.

FORM No 18
[Rule 21]

To.... ..

Debtor.

Please take notice under clause (c) of sub-section (1) of section 31 of the Rajasthan Money-lenders Act, 1963, that I propose to make an assignment of .

the loan
balance of loan
interest on loan
balance of interest on loan

advanced to you on together with accrued interest/balance of interest and benefits of the agreement under the aforesaid loan as well as security taken in respect of the loan/interest on the loan to (Name of assignee) (address of the Assignee) (Dated)... .. with effect and that from the date of such assignment, the assignee above-named shall exercise all rights and shall have all the liabilities under the provisions of the Rajasthan Money-lenders Act, 1963.

Signature of Money-lender.

Address.

Signature of prior assignee of the Money-lender
Address.

FORM No. 19
[Rule 22]

(Application to a Court under sub-section (1) of section 34 for taking accounts).

In the Court of

Misc. Case No of 196... .. The undermentioned debtor applies for taking accounts of the loan described below and for declaring the amount due to the money-lender.

Particulars of loan.

- | | |
|---------------------------------------|-------|
| 1. Document, if any, with particulars | ..... |
| 2. Amount | ..... |
| 3. Description of the money-lender | ..... |
| (a) Name | ..... |
| (b) Father's/Husband's name | ..... |
| (c) Address | ..... |
| 4. Description of the debtor | ..... |
| (a) Name | ..... |
| (b) Father's/Husband's name | ..... |
| (c) Address | ..... |

Date

Signature

FORM No. 20

[Rule 24]

Summons to Money-lender

Name of the Office

No.

To

Whereas your application for grant of a licence under the Rajasthan Money lenders Act, 1963, has been received by me, you are hereby summoned in accordance with section 15 of the said Act, to appear before me at the above address in person on the.... .. day of 19.... ..at.... .. O'clock in the.... .. noon, for your being examined in connection with the said application; and you are directed to produce on that day all the documents upon which you intend to rely in support of your application.

Take notice that, in default of your appearance on the day before-mentioned, your application for grant of a licence under the said Act shall not be considered.

Given under my hand and seal, this.... .. day of.... .. 19

Seal

Designation of the Officer.

FORM No. 21

[Rule 24]

Summons to Witness

No.

Name of the Office

To,

Whereas it necessary to examine you in connection with the application made by Shri... ..for grant of a licence under the Rajasthan Money-lenders Act, 1963/for cancellation of a licence granted under the Rajasthan Money-lender Act, 1963 to Shri.... ..* you are hereby summoned in accordance with section 15 of the said Act, to appear before me at the above address in person on the day of 19at O'clock in the.... .. noon; and you are directed to produce any documents you may have in your possession in support of the information that will be supplied by you.

Take notice that if you fail to comply with this order without lawful excuse, you will be liable to a fine which may extend to five hundred rupees.

Given under my hand and seal, this day of 19

Seal

Designation of the Officer.

*Strike out what is not needed.

FORM No. 22

(Rule 24)

Summons to Money-Lender

Name of the Office

No.

To

Whereas your application for cancellation of the licence issued to Shri under the Rajasthan Money-lenders Act, 1963 has been received by me, you are hereby summoned in accordance with section 15 of the said Act, to appear before me at the above address in person on the.... day of 19 at.... O'clock in the ... noon, for your being, examined in connection with the said application; and you are directed to produce on that day all the document upon which you intend to rely in support of your application.

Take notice that, in default of your appearance on the day before mentioned, your application for cancellation of a licence under the said Act shall be rejected and action under sub-section (4) of section 13 may be taken against you.

Given under my hand and seal this.... day of.... 19 ;
Seal Designation of the Officer.

FORM No. 23

(Rule 24)

Summons to produce record or document

No.

Name of the Office

To

Whereas I have reason to believe that you are carrying on the business of money-lending in the State of Rajasthan;

And where-as the following record/document in your possession is, in my opinion, relevant for the purpose of verifying whether the business of money-lending is carried on by you in accordance with the provisions of the Rajasthan Money-lenders Act, 1963;

You are, therefore, directed to produce the aforesaid record/document in accordance with sections 15 and 16 of the said Act, at the above address either in person or by any authorised representative on the.....day of... 19 ...at ...O'clock in the... noon.

Strike out what is not needed.

Take notice that if you fail to comply with this order without lawful excuse, you will be liable to a fine which may extend to five hundred rupees.

Given under my hand and seal, this. day of. 19. . .

Seal

Signature

Designation of the Officer.

Notifications under

RAJASTHAN MONEY LENDERS ACT, 1963

Revenue (C) Department

Jaipur, August 25, 1965

Notification No. F. 23 (2) Rev./D/54.—In exercise of the powers conferred by sub-section (3) of section 1 of the Rajasthan Money-lenders Act, 1963 (Rajasthan Act 1 of 1964), the State Government hereby appoints the 1st day of October, 1965 as the date on which the said Act shall come into force.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dated 1-9-65—Page 295]

Revenue (C) Department :

Jaipur, August 25, 1965.

Notification No. F. 23 (2) Rev /D./54—In exercise of the powers conferred by section 3 of the Rajasthan Money-lenders Act, 1963 (Rajasthan Act I of 1964), the State Government hereby appoints the Registrar, Co-operative Societies to be the Registrar General of Money-lenders for the whole of the State of Rajasthan and appoints Deputy Registrars and Assistant Registrars; Co-operative Societies, for the areas within their respective jurisdictions to be Deputy Registrars and Assistant Registrars of money-lenders respectively, for the purposes of the said Act.

This notification shall have effect on and from the 1st day of October, 1965.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 1-9-65—Page 295]

Revenue (C) Department

Jaipur, October 1, 1965.

Notification No. F. 23 (2) Rev. D/54.—In exercise of the powers conferred by sub-section 1 of section 29 of the Rajasthan Moneylenders Act, 1963. (Rajasthan Act I of 1964) the State Government hereby fixed the maximum rate of simple interest for any class of business of money-lending in respect of secured and unsecured loans to be nine percent and twelve percent respectively.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 1-10-65]

Revenue (C) Department

Jaipur, January 31, 1967.

Notification No. F. 23 (2) Rev./C/54.—In exercise of the powers conferred by Section 3 of the Rajasthan Money Lenders Act, 1963 (Act 1

of 1964), the State Government hereby makes the following amendments to this department (second) notification No F. 23 (2) Rev./D/64, dated the 25th August, 1965, published on page 215 in the Rajasthan Gazette Part IV-C, dated the September, 1965, namely:—

AMENDMENTS

In the said notification, after the words, "appoints Deputy Registrars" a comma shall be inserted and for the expression "and Assistant Registrars, Co-operative Societies for the areas within their respective jurisdictions to be Deputy Registrars and Assistant Registrars of Money Lenders, respectively," the following expression shall be substituted, namely:—

"Co-operative Societies to be Registrars of money lenders and further appoints Assistant Registrars and Additional Assistant Registrars, Co-operative Societies to be Assistant Registrars of money lenders for the areas within their respective Jurisdictions."

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 15-6-67—Page 208] ..

Rules and Notifications under

MOTOR CARS (DISTRIBUTION AND SALE) CONTROL
ORDER 1958.

Notifications under

MOTOR CARS (DISTRIBUTION AND SALE) CONTROL ORDER, 1958.

Published in Raj. Raj-patra part I (a) dated October 29, 1959 at page 211

Home (A) Department.

ORDER

Jaipur, September 15, 1959.

No. D. 4711/F. 3 (16)/H B/59.—In pursuance of sub-para (3) of para 6 and sub-para (1) of para 8 of the Motor Cars (Distribution and Sale) Control Order, 1958, made by the Central Government in the Ministry of Commerce & Industry, the Government of Rajasthan is pleased to hereby appoint the Director of Transport, Rajasthan by virtue of his office as an Officer for the purposes of the above said paras.

This supersedes Government Order No D. 1799/F. 3 (16) HB/59, dated the 25th May, 1959.

By Order of the Governor,
Z. S. JHALA,
Secretary to the Government.

Rules and Notifications under

RAJASTHAN MOTOR TRANSPORT WORKER'S
ACT, 1961.

RAJASTHAN

Motor Transport Workers Rules, 1962.

Labour Department

NOTIFICATION

Jaipur, June 27, 1962.

No. F 5 (35) Lab./60/2687 — In exercise of the powers conferred by section 40 read with sections 8, 9 & 10 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961), the State Government hereby makes the following rules, the same having been previously published in the Rajasthan Gazette part III-B Extraordinary, dated 21st January 1962 as required by sub-section (1) of section 40 of the said Act.

Preliminary.

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Motor Transport Workers Rules, 1962.

(2) These rules, except rules 17 to 23 and rules 25 shall come into force at once and rules 17 to 23 and rule 25 shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint.

2. *Definition* —(1) In these rules, unless the context otherwise requires;

(a) “Act” means the Motor Transport Workers, Act, 1961 (27 of 1961).

(b) “Form” means a Form appended to these rules;

(c) “Inspector” means an Officer appointed under section 4 of the Act and includes Chief Inspector.

(d) “qualified medical practitioner” means a person holding a qualification granted by an authority specified in the schedule to the Indian Medical Degrees Act, 1916 (Central Act 27 of 1961) or in the Schedules to the Indian Medical Council Act, 1933 (Central Act 27 of 1961).

(e) “Schedule” means a Schedule annexed to these rules.

(f) “section” means a section of the Act.

(g) “undertaking” means a motor transport undertaking.

(2) All other words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Interruptions during running time.*—Any interruption of less than ten minutes shall be counted towards running time.

Published in Raj. Raj-patra part IV (c) dated June 27, 1962 at page 177 :

CHAPTER II

Registration of Motor Transport undertaking.

4. *Application for registration.*—Every employer of an undertaking shall, within not less than thirty days before the date on which he proposes to operate the undertaking, submit to the Chief Inspector or an Inspector duly authorised by him in this behalf an application in Form No. 1, in duplicate, for the registration of the undertaking and grant of a certificate of registration :

Provided that, in the case of an undertaking existing immediately before the commencement of these rules, such application shall be made within sixty days from such commencement;

Provided further that where an undertaking has units operating in more than one State, the employer of the undertaking shall apply for registration to the Chief Inspector or the Inspector, as the case may be of the State in which its Head Office is located.

5. *Grant of certificate of registration.*—A certificate of registration for an undertaking shall be granted by the Chief Inspector, or an Inspector duly authorised by him in this behalf, in Form No. II on payment of fees as specified below :

Motor Transport undertaking employing ;—

(a) five motor transport workers	Rs. 5/-
(b) more than five but less than ten workers.	Rs. 10/-
(c) ten and above but less than twenty workers.	Rs. 25/-
(d) twenty and above but less than fifty workers.	Rs. 50/-
(e) fifty and above but less than hundred workers.	Rs. 100/-
(f) Hundred and more than hundred workers.	Rs. 250/-

6. *Validity of certificate of registration* —Every certificate of registration granted under rule 5 or renewed under rule 8 shall remain in force up to 31st December of the year for which the certificate is granted or renewed.

7. *Amendment of certificate of registration.*—(1) The certificate of registration granted under rule 5 may be amended by the Chief Inspector or an Inspector duly authorised by him in this behalf.

(2) An employer who desires to have his certificate of registration amended shall submit to the Chief Inspector or an Inspector duly authorised by him in this behalf an application stating the nature of amendment and reasons therefor.

(3) The fee for the amendment of the certificate of registration shall be five rupees plus the amount if any, by which the fee that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the certificate of registration.

8. *Renewal of certificate of registration.*—(1) Every employer shall apply to the Chief Inspector or an Inspector duly authorised by him in this behalf for renewal of the certificate of registration before its validity expires.

(2) Every such application shall be in form No. 1, in duplicate, and shall be made not less than sixty days before the date on which the certificate of registration expires and if the application is so made, the undertaking shall be deemed to be duly registered until such date as the certificate of registration is renewed.

(3) The fees chargeable for renewal of a certificate of a registration shall be the same as for the grant thereof :

Provided that if the application for renewal is not received within the time specified in sub-rule (2) a fee of twenty-five per cent in excess of the fee ordinarily payable for the certificate of registration shall be payable for such renewal :

Provided further that in cases where the Chief Inspector or the Inspector is satisfied that delay in submission of the application is due to unavoidable circumstances, beyond the control of the employer, he may reduce or remit, as he thinks fit, the payment of such excess fee.

9. *Transfer of certificate of registration.*—(1) An employer holding a certificate of registration may at any time, before the expiration of its validity, apply for permission to transfer the certificate to another person.

(2) Such application shall be made to the Chief Inspector, or an Inspector duly authorised by him in this behalf, who shall if he approves of the transfer, enter upon the certificate of registration under his signature, an endorsement to the effect that the certificate of registration has been transferred to the person named

10. *Procedure on death of disability of employer.*—If an employer holding a certificate of registration dies or becomes insolvent, the person carrying on the business of the undertaking shall not be liable under the Act during such time as may reasonably be required to allow him to make an application for the amendment of the certificate of registration under rule 7 in his name.

11. *Issue of duplicate certificate of registration.*—Where a certificate of registration granted or renewed under rule 5 or rule 8, as the case may be, is lost, defaced or accidentally destroyed, a duplicate may be granted on payment of a fee of five rupees.

12. *Payment of Fees.*—(1) All fees to be paid under these rules shall be paid into the local treasury under the head XXXVI-Misc. Departments B. Misc. (ii) Receipts of other departments, (13) receipts under Motor Transport Workers Act, 1961 and receipt obtained, which shall be submitted alongwith the application.

(2) If an application for the grant, renewal, amendment or issue of a duplicate of a certificate of registration is rejected, the fee paid shall be refunded to the applicant.

13. *Making of the registration number on the vehicles.*—The registration number of the undertaking shall be marked on the left hand side of every vehicle in lettering 3" high and 1/2" thick.

CHAPTER III

Inspecting Staff

14. *Qualifications of an Inspector.*—No person shall be appointed as an Inspector, unless he possesses the following Qualifications :—

I. Grade Inspectors :

(1) Law Graduate of a University established by law in India or a degree of foreign university, recognised as equivalent thereof by the Commission.

OR

M. A. or M. Com. of a University established by law in India or a degree of a foreign university recognised as equivalent thereof, by the Commission.

*Note :—*In case of a candidate possessing degree of post-Graduation in Arts, must be M. A., in Economics or Sociology or Industrial Psychology with Labour as one of the subjects.

OR

A graduate with training in Labour Welfare from a recognised Institution and

(2) Must possess a good working knowledge of Hindi written in Devnagri script and of Rajasthani dialects.

15. *Powers of Inspectors.*—An Inspector shall for carrying out the purposes of the Act, have power to do all or any of the following acts :—

(i) to photograph any motor transport worker to inspect or sketch as the case may be, any Motor Transport vehicle, building room appliance, apparatus, register or document, which is under use or occupation of any undertaking, or any thing provided for the purpose of securing health and welfare of motor transport workers;

(ii) to prosecute, conduct or defend before any court any complaint or other proceeding arising under the Act or these rules or in discharge of his duties as an Inspector;

(iii) to require any employer to supply or send any return or information relating to the provisions of the Act or of these rules; and

(iv) to have a person residing in a State other than one in which an offence under the Act or these rules has been committed examined through his opposite number in that State and to obtain record of such examination.

16 *Duties of certifying surgeons.*—(1) For the purpose of examination and certificate of adolescents who wish to obtain certificates of fitness, the certifying surgeon shall arrange a suitable time and place for the attendance of such persons and shall give previous notice in writing of such arrangements to the employers of undertakings concerned within the local limits of his jurisdiction or undertakings or class of undertakings assigned to him.

(2) The Certifying Surgeon shall issue his certificate in Form III. The foil and counterfoil shall be filled in and the left thumb mark or signature of the person in whose name the certificate is granted shall be taken on them. On being satisfied as to the correctness of the entries made therein and of the fitness of the person examined, he shall sign the foil and initial the counterfoil and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate of fitness granted under section 23. All counterfoils shall be kept for a period of at least two years after the issue of the certificate.

(3) The certifying surgeon shall upon request by the Chief Inspector, carry out such examination and furnish him with such report as he may indicate in respect of any undertaking or class of transport undertakings where—

- (a) cases of illness have occurred which, it is reasonable to believe, are due to the nature of work or other conditions of work prevailing therein, or.
- (b) adolescents are, or are about to be, employed in any work which is likely to cause injury to their health.

(4) If the certifying surgeon finds as a result of his examination that any person employed in any work in any undertaking is no longer fit to work for medical reasons, he shall inform the employer in writing accordingly. On receipt of this information, it shall be obligatory on the employer to suspend such a person from working in that work for the period recommended by the certifying surgeon, and no person after such suspension shall be employed in that work, unless he is certified fit for the work by the certifying surgeon.

(5) The employer shall afford to the certifying surgeon facilities to inspect any work in which any person is employed or is likely to be employed.

(6) The employer shall provide, for the purpose of any medical examination which the certifying surgeon wishes to conduct at a place of the undertaking to be fixed in consultation with the

representatives of the workers (for his exclusive use on the occasion of the examination), a room which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, a table (with writing material) and chairs.

CHAPTER IV

Welfare and Health

17. *Canteens*.—(1) The employer of every undertaking shall provide, for the use of the motor transport workers at every place wherein one hundred motor transport workers or more ordinarily call on duty during every day, an adequate canteen in or near the place wherein the undertaking is situated according to the standards prescribed in this rule.

(2) The employer shall submit for the approval of the Chief Inspector plans and site plan in duplicate of the building to be constructed or adapted for use as a canteen.

(3) The canteen building shall be situated not less than 50 feet from any latrine, urinal or any other source of dust, smoke or obnoxious fumes:

Provided that the Chief Inspector may in any particular case relax the provision of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essential purpose of this sub-rule.

(4) The canteen building shall be constructed in accordance with the plans approved by the Chief Inspector and shall accommodate at least a dining hall, kitchen, store room, pantry and washing places separately for workers and for utensils.

(5) In a canteen, the floor and inside walls up to a height of 4 feet from the floor shall be made of smooth and impervious material, the remaining portion of the inside walls shall be made smooth by cement plaster or in any other manner approved by the Chief Inspector.

(6) The doors and windows of a canteen building shall be of fly proof construction and shall allow adequate ventilation.

(7) The canteen shall be sufficiently lighted at all times when any person has access to it.

(8) (a) In every canteen—

(i) All inside walls of rooms and ceilings, passages, and staircases shall be lime-washed, colour-washed or painted as the case may be. Lime-washing or colour-washing shall be carried out once in every year and painting shall be carried out once in every three years;

(ii) all wood work shall be varnished or painted once in every three years; and

(iii) all internal structural iron or steel work shall be varnished or painted once in every three years;

Provided that inside walls of the kitchen shall be lime-washed once in every four months;

(b) Records of dates on which lime-washing colour-washing, varnishing or painting, as the case may be, is carried out shall be maintained in a register in Form No. IV.

(9) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangement shall be made for the collection and disposal of garbage.

18. Canteen Hall (1) The canteen hall shall accommodate at least thirty percent of the motor transport workers likely to come at a time :

Provided that in any particular undertaking or in any particular class of undertakings, the State Government may by notification in this behalf in the official Gazette alter the percentage of workers to be accommodated.

(2) The floor area of the canteen hall excluding the area occupied by service counter and any furniture, except tables and chairs, shall be not less than 10sq. ft. per diner to be accommodated under sub-rule (1).

(3) Sufficient table and chairs or benches shall be available for the number of diners to be accommodated under sub-rule (1).

19. *Equipment.*—(1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving the canteen shall also be provided and maintained.

(2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of the utensils and other equipment.

20. *Prices to be charged*—(1) Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee constituted under rule 22.

(2) The charges per portion of food-stuff, beverages and any other items served in the canteen shall be conspicuously displayed in the canteen.

21. *Accounts.*—(1) Proper accounts pertaining to the canteen shall be maintained. All books of accounts, registers or any other documents used in connection with the running of a canteen shall be produced on demand to an Inspector.

(2) The accounts pertaining to the canteen shall be audited once in every 12 months by registered accountants and auditors.

The balance sheet prepared by the said auditors shall be submitted to the Canteen Managing Committee not later than 2 months of the closing of the audited accounts :

Provided that the accounts pertaining to the canteen in a public sector undertaking having its own Accounts Departments may be audited in that Department.

22. *Canteen Managing Committee.*—(1) The employer shall constitute a Canteen Managing Committee which shall be consulted from time to time as to :—

(a) the quality and quantity of food-stuffs to be served in the canteen;

(b) the arrangement of the menus;

(c) times of meals in the canteen; and

(d) any other matter as may be directed by the committee.

(2) The Canteen Managing Committee shall consist of an equal number of persons nominated by the employer and elected by the motor transport workers. The number of elected workers shall be in the proportion of one for every 50 workers employed in the undertaking:

Provided that in no case shall there be more than 5 or less than 2 more transport workers on the Committee.

(3) The employer shall determine the procedure for and supervise the election of the representatives of the motor transport workers to the Canteen Managing Committee.

(4) The members of Canteen Managing Committee shall hold office for a period of two years from the date on which it is constituted :

Provided that such members shall notwithstanding the expiration of their term continue to hold their office until the constitution of the next Canteen Managing Committee.

23. *Rest Rooms.*—The rest rooms shall conform to the following standards, and the employer of every undertaking shall submit for the approval of the Chief Inspector plans and site plan in duplicate of the building to be constructed or adapted :—

(a) The Building shall be soundly constructed and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. The floor and walls to a height of 3 ft. shall be so laid or finished as to provide a smooth hard and impervious surface.

(b) The height of every room in the building shall be not less than 12 ft. from the floor level to the lowest part of the roof and there shall be at least 50 sq. ft of floor area for every motor transport worker required to halt at night.

(c) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable nature or artificial lighting.

(d) Every rest room shall be adequately furnished with chairs and costs; and

(e) Every rest-room building and precincts thereof shall be kept in a clean and tidy condition :

Provided that where the Chief Inspector is satisfied that in respect of any particular place the provision of rest-rooms to the above standards is not reasonably practicable, he may by order in writing approve any suitable alternative accommodation subject to such conditions as he may specify.

24 *Uniforms*.—(1) The drivers, conductors and line checking staff employed in an undertaking shall be provided free, by the employer with uniforms and rain-coats as specified in Schedule I.

(2) Where washing of uniforms provided under sub-rule (1) is not arranged by the employer, the staff concerned shall be entitled to a washing allowance at the rate of 50 nP. per uniform per week or Rs. 2/- per mensem as the case may be.

25. *Medical facilities*.—(1) At every operating centre and halting station (which, in the case of city service, shall include only depots and other offices) wherein 250 motor transport workers or more ordinarily call on duty during every day, a dispensary shall be provided and maintained with such equipment and drugs as the State Government may direct.

(2) The dispensary shall be in charge of qualified medical practitioner assisted by such staff as the State Government may direct.

(3) The dispensary shall have a floor area of at least 250 sq. ft. and smooth hard and impervious walls and floor and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be provided.

(4) At every operating centre and halting station where less than 250 motor transport workers call on duty every day, first aid boxes or cup boards, of the standard set out in Schedule II shall be provided. Every first-aid box or cup-board shall be clearly marked "First-Aid" and shall be kept stocked and in good order. These first-aid boxes or cup-boards shall be readily accessible during all working hours and shall be in charge of an employee of the undertaking, trained in first-aid.

26. *First-aid facilities*.—First-aid box containing the equipment mentioned in Schedule III shall be provided in every motor transport vehicle. Every first-aid box shall be clearly marked "First-Aid" and shall be kept stocked and in good order.

CHAPTER V

Hours and Limitations of Employment.

27. *Hours of work*.—(1) The Chief Inspector may on written application from an employer, subject to such conditions and for

such period as he may think fit, permit motor transport workers to work for more than 8 hours in any day or 48 hours in any week but in no case more than 10 hours in a day and 54 hours in a week:

(i) on any route of 100 kilometers or more, and

(ii) on such festive or other occasions as may be notified by the State Government in the Official Gazette.

(2) In any case referred to in the second proviso to section 13, an employer shall not require or allow any motor transport worker to work for more than 16 hours in day and 72 hours in a week with at least 3 consecutive hours in of rest between the termination of duty and commencement of the next duty.

28. *Notice of hours of work*—(1) The notice of hours of work shall be in Form V.

(2) It shall be written in English and in a language understood by the majority of workers and shall be displayed at a conspicuous place where the motor transport workers ordinarily call for duty and shall be maintained in clean and legible condition ;

Provided that if the Chief Inspector is of opinion that the duty schedule or any other record maintained as a part of the routine of the Undertaking gives the particulars required under this rule, he may, by order in writing, direct that the maintenance of such record shall be sufficient compliance with the provisions of this rule.

(2) No change in the notice of hours of work shall be allowed, unless a three days clear notice is given to the Inspector indicating the contemplated change in the notice of hours of work.

29. *Weekly Rest*:—(1) No motor transport worker shall be required or allow to work on a day of rest fixed for him (hereafter referred to as the said day) unless:—

(a) he has, or will have, a holiday for a whole day, (hereafter called the substituted day) on one of the three days immediately before or after the said day, and

(b) the employer has before the said day, or substituted day, whichever it earlier:—

(i) delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and the day which is to be substituted; and

(ii) displayed a notice to that effect at the premises.

(2) Notices given under sub-rule (1) may be cancelled by a notice delivered at the office of the Inspector and a notice displayed at the premises of the undertaking not later than the day before the said day or the substituted day to be cancelled, whichever is earlier.

(3) Where in accordance with the provisions of sub-rule (1) any motor transport worker works on the said day and has had a holiday on one of the three days immediately before it, that said day

shall, for the purpose of calculating his weekly hours of work, be included in the immediately preceding week.

30. *Compensatory Holidays*—(1) Every employer shall display on or before the end of the month in which holidays are lost, a notice in respect of workers allowing compensatory holidays during the same month or the immediately following two months and of the dates thereof at the place at which the notice of hours of work prescribed under section 18 of the Act is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of the holiday.

(2) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

(3) Every Employer shall maintain a Register of Compensatory holidays in Form No. VI, which shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

CHAPTER VI.

Wages and Leave.

31. *Overtime*—When any motor transport worker works for more than 8 hours on any day or more than 48 hours in any week in any case referred to in the second proviso to section 13, he shall be entitled to the rate of wages in respect of overtime work at $1\frac{1}{2}$ times the rates of his ordinary wages subject to a maximum of one-half of his ordinary wages.

Note :—Overtime work means any work in excess of 8 hours a day or 48 hours a week.

32. *Holidays*.—Seven paid festival and national holidays shall be admissible to motor transport workers in a year as given under :—

1. Independence Day.
2. Republic Day.
3. Mahatma Gandhi's Birthday.
4. Holi.
5. Dussehra.
6. Diwali.
7. Eid.

33. *Leave with Wages*.—(1) Every employer shall maintain a Register of leave with Wages, in Form No. VII :

Provided that if the Chief Inspector is of opinion that any muster-roll or register maintained as part of the routine of any undertaking or return made by the employer gives in respect of any

or all of the workers, the particulars required for the enforcement of Chapter VII of the Act he may, by order in writing, direct that such muster-roll or register or return shall, to the corresponding extent, be maintained in place of, and be treated as, the register required to be maintained under this rule in respect of that undertaking.

(2) The Register of Leave with Wages shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

34. *Leave Book*.—(1) Every employer shall provide each worker with a book of Form No. VIII (hereinafter called the Leave Book). The Leave Book shall be the property of the worker and the employer or his agent shall not demand it except to make necessary entries and shall not keep it for more than a week at a time :

Provided that if any leave card or similar record giving full particulars of the leave as shown in the leave book is issued by the employer to the motor transport worker, such card or record may be accepted by order in writing by the Chief Inspector.

35. *Register of Workers*—Every employer shall maintain a Register of Workers in Form No. IX :

Provided that if the Chief Inspector is of opinion that any register of workers of similar record maintained as part of the routine of an undertaking gives the particulars required under this rule, he may, by order in writing, direct that such register of workers or record shall be maintained in place of, and treated as, the register of workers required to be maintained under this rule.

36. *Muster Roll*.—Every employer shall maintain a muster-roll of all workers employed in the undertaking in Form No. X :

Provided that if the Chief Inspector is of opinion that any muster roll or register maintained as part of the routine of an undertaking gives the particulars required under this rule he may, by order in writing, direct that such muster-roll or register be maintained in place of, and treated as, the muster-roll required to be maintained under this rule.

37. *Overtime Muster Roll*—Every employer shall maintain a muster-roll in Form No. XI in which shall be correctly entered overtime hours of work and payments therefor. The muster-roll shall always be available for inspection:

Provided that if the Chief Inspector is of opinion that any overtime muster-roll or register maintained as part of the routine of an undertaking gives the particulars required under this rule, he may by order in writing direct that such overtime muster-roll or register be maintained in place of and treated as the muster-roll required to be maintained under this rule.

38. *Individual Control Book*.—(1) No employer shall allow operation of any motor transport vehicle, unless each motor trans-

port worker travelling with the vehicle is provided with and maintains Individual Control Book in Form No. XII. The Book shall be bound with the forms in duplicate and each form shall be numbered consecutively :

Provided that, if the Chief Inspector is of opinion that any individual control book or similar record maintained as a part of the routine of an undertaking gives the particulars required under this rule, he may, by order in writing, direct that such individual control book or record be maintained in place of and treated as the Individual Control Book required under this rule.

(2) Every motor transport worker travelling with the vehicle shall make entries daily in the Individual Control Book and forward or hand over to his employer the original copy of the form not later than the first working day after completion of the week to which the form related.

(3) Every employer shall maintain the original copies of the Individual Control Book maintained in sub-rule (2) in separate files for each motor transport worker for a period of three years and shall produce it on demand by an Inspector.

(4) Every motor transport worker travelling with the vehicle shall carry and retain with himself the Individual Control Book for at least 6 months after the last entry and produce for inspection on demand by an Inspector.

CHAPTER VII

Miscellaneous.

39. *Returns* -The employer of every undertaking shall furnish to the Inspector or other officer appointed by the State Government in this behalf not later than the first February of the year immediately succeeding to that to which it relates, an annual return, in duplicate, in Form No. XIII.

FORM No. 1

(See Rule 4 & 8)

Application for Registration and grant or Renewal of
certificate of registration. :

1. Name of motor transport undertaking.
2. Full address to which communications relating to the motor transport undertaking should be sent.
3. Nature of motor transport service e. g. City service, long

- distance passenger service, long distance freight service.
4. Total number of routes.
 5. Total route mileage.
 6. Total number of motor transport vehicles on the last date of the preceding year.
 7. Maximum number of motor transport workers employed on any day during the preceding year.
 8. Full names and residential addresses of the—
 - (i) Proprietor and partners of the motor transport undertaking in case of a firm not registered under the Companies Act, 1956, or
 - (ii) General Manager in case of a public sector undertaking.
 9. Full name and residential addresses of the Directors in the case of a company registered under the companies Act, 1956.
 10. Amount of fee Rs (Rupees) paid in Treasury, on (vide challan No enclosed).

Date

Signature of the employer.

*Note I :—*This form should be completed in ink in block letters or typed.

FORM No. II

(See Rule 5)

Certificate of Registration to work a motor transport undertaking.
 Registration No Fee Rs
 Serial No.

Certificate of Registration is hereby granted to
 to operate motor transport services employing not more than persons on any one day during the year subject to provisions of the Motor Transport Workers Act, 1961 and the Rules made thereunder.

The certificate of Registration shall remain in force till the 31st day of December, 19

Chief Inspector
Inspector

The 19....

Date of renewal	Date of expiry	Signature of the Chief Inspector

FORM No. III

(See Rule 16)

Certificate of Fitness

1. Serial No	Serial No
Date	Date
2. Name.....	I certify that I have personally
3. Father's name.....	examined (name).....
4. Residence.....	.....
.....	Son of.....
.....
5. Date of birth.....	residing at.....
if available.....	
and/or certified age.....	
6. Physical fitness	Who is desirous of being emp-
7. Descriptive marks	loyed in a motor transport under-
	taking and that his age, as nearly
	as can be ascertained from by
	examination is years and
	that he is fit for employment in
	motor transport undertaking as an
	adolescent.
8. Reasons for	
(1) Refusal of certificate	His descriptive marks are.....
.....
.....
(2) Certificate being revoked	.....
.....
.....
.....
Thumb	Thumb
impression or signature	impression or signature
Initial of certifying Surgeon	Certifying Surgeon

Note :—Exact details of cause of physical disability should be early stated.

FORM No. IV

(See rule 17)

Record of Lime Washing, Painting ect.

Name of room.	Parts lime-washed, Painted, varnished, e. g. walls, ceilings, wood work. etc.	Treatment, whether lime-washed, painted, varnished.	Date on which lime-washing, painting, varnishing was carried out (according to the English ealendar).			Remarks.
			Day	Month	Year	

FORM No. V.
(See rule 28)

Name of Undertaking Notice of periods of work for Motor Transport Workers for the year, 19 ..

Transport Workers for the year, 19 .																Place		
Periods of work.	Total number of men employed												Total number of adol scents employed.		Description of groups.			Day on which weekly holiday is allowed
	A		B		C		D		E		F							
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	G	H	
Groups.																		
Relays.																		
Hours of work on workig days.																		
1. From	To																	
2. From	To																	
3. From	To																	
4. From	To																	
5. From	To																	

A B C D E F

G H

Date on which this work is first admitted.

Signature of Employer.

FORM No. VII

(See Rule 33)

Register of Leave with Wages

S. No
Name of the Undertaking.....

Adults/Adolescent

Name.....
Father's Name.....
Address

.....
Date of entry into Service
Date of discharge.....
Date and amount of payment
made in lieu of leave due.

Calendar year of Service	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Wages period from	Wages earned during the wage period.		No. of days of work performed.	Balance of leave from preceding year.		Leave earned during the year mentioned in Col. I		Total of Cols. 5 and 6	Whether leave was refused.	Leave enjoyed from... to ...	Balance of leave to credit	Normal rate of wages.	Cash equivalent advance accruing through concessional rate of food grains & other articles.	Rate of wages for the leave period (Total of Cols. 11 & 12)	Remarks.

Note:—Separate page will be allotted to each worker.

FORM No. VIII

(See rule 34)

Leave Book

Adults/Adolescents.

Sl. No.

Name of Undertaking Address

..... Date of entry into service.....

..... Date of Discharge

Date of amount of payment made in lieu of leave due.

Calendar year of service	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Wages period from														
to														
Wages earned during the wage period														
No. of days of work performed														
Balance of leave from preceding year														
Leave earned during the year mentioned in Col. 1														
Total of Cols. 5 & 6														
Whether leave was refused														
Leave enjoyed from														
to														
Balance of leave to credit														
Normal rate of wages.														
Cash equivalent of advantage accruing through concessional rate of food grains and other articles														
Rate of wages or the leave period (Total of Cols. 11 & 12)														
Remarks.														

Note:—The leave book shall be made out for each worker on thick bound sheets.

FORM No. IX.
(See Rule 35)
Register of Workers
Part I Adults
Part II Adolescents.

S. No.	Name.	Father's Name	Address	Nature of work	Letter of group as in notice of period of work	No. & date of certificate of fitness if an adolescent sent.	Remarks
1	2	3	4	5	6	7	8

FORM No. X
(See Rule 36)
Muster Roll

Name of the Undertaking Place..... For the month of.....

No.	Name	Father's Name	Nature of work	For the period Ending												Remarks.
				1	2	3	4	5	6	7	8	9	10	30	31	

FORM No. XI

(See rule 37)

Overtime Muster Roll

Part I. Overtime under first proviso to Section 13.

Part II. Overtime under second proviso to Section 13.

Month ending..... 19

S. N.	S. N. in the Register of workers.	Name	Nature of work	Dates on which over- time has been worked.	Extent of overtime on each occasion	Total overtime worked	Normal hours.	Normal rate of pay.	Overtime rate of pay.	Overtime earning	Date on which over- time payments made.
-------	--------------------------------------	------	----------------	---	--	--------------------------	---------------	---------------------	-----------------------	------------------	--

FORM NO. XII

(See rule 38)

Individual Control Book

Sheet No 19

Week from Sunday to Saturday 19

Name of the Motor Transport Worker.

Day	Date	On Duty (D) or Rest (Rest)		Time and Place		Spread Over.	Period vehicle on road	Period of interruption of 10 ints. or more referred to in Col. (1) of Section 2	Running time 7-8	Time spent in subsidiary work.	Periods of more attendance at terminals of loss than 15 minutes.	Hours of work 9+10+11	Interval of rest	Length of overtime worked.	Circumstances under which overtime worked.	Remarks.
		1	2	3	4												5	6	7	8	9	10	11	12	13	14	15	16
Sunday																
Monday																
Tuesday																
Wednesday																
Thursday																
Friday																
Saturday																

Note:—A new working week begins at midnight on Saturday. Particulars of hours of work and rest on Saturday should be included in the form for the previous week and those on Sunday should be included in the form for the following week.

Date and Signature of the Motor Transport Worker.

FORM No. XIII

(See rule 39)

Annual Return

Year ending 31st December, 19 .

1. Name of the Motor Transport Undertaking.	.....	.....	.....
2. Postal Address.	.....	.....	.....
3. *Average number of workers employed daily.	Adults .....	.....	.....
	Adolescents .....	.....	.....
4. Normal hours worked per day.	Adults ....	.....	.....
	Adolescents .....	.....	.....
5. What rest intervals were given.	Adults .....	.....	.....
	Adolescents .....	.....	.....
6. The number of workers exempted from the provisions of section	13 .....	.....	.....
	19 .....	.....	.....
7. Leave with wages:—			
(i) No. of workers who are entitled to annual leave with wages during the calendar year to which this return relates.	Adults ....	.....	.....
	Adolescents .....	.....	.....
(ii) No. of workers who were granted leave during the year.	Adults .....	.....	.....
	Adolescents .....	.....	.....
(iii) No. of workers discharged or dismissed from service during the year.	Adults .....	.....	.....
	Adolescents .....	.....	.....
(iv) No. of discharged workers paid wages in lieu of leave.	Adults ....	.....	.....
	Adolescents .....	.....	.....
(v) Total amount of wages paid in lieu of leave.	.....	.....	.....

*The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days during the year. In reckoning attendances by temporary as well as permanent employees should be counted. Attendances on separate shifts should be counted separately. Days on which the undertaking was not operating, for whatever cause, should be treated as working days.

8. Compensatory holidays:—

(i) No. of workers exempted from Section 19.	Adults .....	.....
	Adolescents .....	.....
(ii) No. of workers who received holidays in the—		
(a) same month	.....	.....
(b) following month	.....	.....
(c) third month	.....	.....
9. Canteen.		
(Number of canteens and situations)		
....
....
10. Medical Facilities:—		
(i) No. of dispensaries & situations	.....	.....
(ii) No. of doctors	.....	.....
(iii) No. of nurses	.....	.....
11. Rest room—	.....	.....
(i) No. of rest rooms	.....	.....
(ii) Details of accommodation furniture and other equipment Provided.	.....	.....
(iii) Approximate average daily attendance of workers	.....	.....
Date	Signature of the employer.	

SCHEDULE I

(See rule 24)

Category of staff.	Particulars of articles.	Quantity	Period of supply
1. (i) Drivers, Conductors, Traffic Inspectors and Ticket Examiners.	(a) Cotton shirt or coat Cotton pant	2	Every summer.
(ii) Cleaners, watchman and other line checking	Cotton cap or turban.	2	

staff if required
to go with the
vehicle.

- | | | |
|-----------------------|--------|---------------|
| (b) Woollen coat | 1 | Once in every |
| woollen pant. | | Three years. |
| Woollen cap or | 1 | |
| cotton turban. | | |
| (c) Semi-closed chap- | 2 | Every year. |
| pals pathani | pairs. | |
| type. | | |

Provided that the places where due to climatic conditions woollen clothes are not ordinarily worn a cotton shirt, pant and cap or turban may be supplied every winter instead of woollen clothes as provided in sub-clause (b).

- | | | | |
|---|---------------------|---|---------------------------|
| 2. (i) Traffic Inspectors and Ticket Examiners. | Rain Coat with cap. | 1 | Once in every five years. |
|---|---------------------|---|---------------------------|

- (ii) Cleaners, watchmen and other line checking staff, if required to go out in rains for their normal work.

Note:—"Inspectors" shall include "Ticket Inspectors" "Travelling Ticket Inspectors" and "Road Inspectors" and also "Controllers," "Assitant Traffic Inspectors" and "Checker and Traffic Incharge" if required to go with the vehicle.

SCHEDULE II

(See rule 25)

(A) For operating Centres and Halting Stations wherein—10 and not exceeding 50 Motor Transport Workers ordinary call on duty during every day.

Each first-aid-box or cupboard shall contain the following equipment:—

- (i) 12 small sterilized dressings.
- (ii) 6 medium size sterilized dressings.
- (iii) 6 large size sterilized dressings.
- (iv) 6 large sizes sterilised burn dressings.
- (v) 6 ($\frac{1}{2}$ oz.) packets sterilized cotton wool.
- (vi) 1 (2 oz.) bottle containing a two per cent alcoholic solution of iodine.

(vii) 1 (2 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.

(viii) 1 roll of adhesive plaster.

(ix) A snake bite lancet.

(x) 1 (1 oz.) bottle of potassium permanganate crystals.

(xi) 1 pair scissors.

(xii) 1 copy of the approved first aid leaflet.

(B) For operating centres and Halting Stations wherein more than 50 Motor Transport Workers ordinarily call on duty during every day.

Each first-aid-box or cupboard shall contain the following equipment:—

(i) 24 small sterilized dressings.

(ii) 12 medium size sterilized dressings.

(iii) 12 large size sterilized dressings.

(iv) 12 large size sterilized burn dressings.

(v) 12 ($\frac{1}{2}$ oz.) packets sterilized cotton wool.

(vi) 1 snake bite lancet.

(vii) 1 pair scissors.

(viii) 2 (1 oz.) bottles of potassium permanganate crystals.

(ix) 1 (4 oz.) bottle containing a two per cent alcoholic solution of iodine.

(x) 1 (4 oz.) bottle of say-volatile having the dose and mode of administration indicated on the label.

(xi) 1 copy of the approved first aid leaflet.

(xii) 12 roller bandages 4 inches wide.

(xiii) 12 roller bandages 2 inches wide.

(xiv) 2 rolls of adhesive plaster.

(xv) 6 triangular bandages.

(xvi) 2 packets of safety pins.

(xvii) A supply of suitable splints.

(xviii) 1 tourniquet.

SCHEDULE III

(See rule 26)

(i) 6 small sterilized dressings.

(ii) 3 medium size sterilized dressings.

(iii) 3 large size sterilized dressings.

(iv) 3 large size sterilized burn dressings.

(v) 1 (1 oz.) bottle containing a two per cent alcoholic solution iodine.

(vi) 1 (1 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.

(vii) A snake-bite lancet.

(viii) 1 (1 oz.) bottle of potassium permanganate crystals.

(ix) 1 pair scissors.

(x) 1 copy of approved first aid leaflet.

By Order of the Governor,
G. L. MEHTA,
Secretary to the Government.

Notifications under

MOTOR TRANSPORT WORKERS ACT, 1951

Published in Raj. Raj-patra part I (b) dated August 16, 1962 at page 67 :

Labour Department

NOTIFICATIONS

Jaipur, April 19, 1962.

No. F. 5 (35)/Lab./60.—In exercise of the powers conferred by sub-section (1) of section (4) of the Motor Transport Workers Act, 1961 (Act No. 27 of 1961), the State Government hereby appoints the following Labour & Minimum Wages Inspectors as Inspectors for the purposes of the said Act, within the local limits mentioned against each:—

S.No.	Designation	Jurisdiction or local limit for which appointed.
1.	Labour Inspector, Jaipur.	Jaipur city.
2.	Minimum Wages Inspector, Jaipur	Jaipur District except Jaipur City and Alwar District.
3.	Minimum Wages Inspector, Sawaimadhopur.	Sawaimadhopur and Bharatpur District.
4.	Minimum Wages Inspector, Ajmer.	Ajmer City.
5.	Labour Inspector, Beawer.	Ajmer District except Ajmer City and Sikar and Jhunjhunu Districts.
6.	Labour Inspector, Kota.	Kota City.
7.	Minimum Wages Inspector, Kota.	Kota and Jhalawar Districts except Kota city.
8.	Minimum Wages Inspector Bundi.	Bundi and Tonk Districts.
9.	Labour Inspector, Jodhpur.	Jodhpur City.
10.	Minimum Wages Inspector, Jodhpur.	Jodhpur District except Jodhpur City. Pali, Sirohi, Barmer, Jalore and Jaisalmer District.
11.	Labour Inspector, Bikaner.	Bikaner City.
12.	Minimum Wages Inspector, Bikaner.	Bikaner District except Bikaner City and Churu and Nagaur District.
13.	Minimum Wages Inspector Shriganganagar.	Shriganganagar Districts.

- | | | |
|-----|---------------------------------------|---|
| 14. | Labour Inspector,
Bhilwara. | Bhilwara City. |
| 15. | Minimum Wages Inspector,
Bhilwara. | Bhilwara District except Bhilwara City and Chittorgarh Districts. |
| 16. | Minimum Wages Inspector,
Udaipur. | Udaipur Dungarpur and Banswara Districts. |

Published in Raj Raj-patra part II (a) dated November 22, 1962 at page 121 :

Labour Department

NOTIFICATION

Jaipur, September 26, 1962.

In exercise of the powers conferred by section (2) of section 4 of the Motor transport Workers Act, 1961 (Act No. 27 of 1961), I. N. K. Joshi, Chief Inspector under aforesaid Act hereby declare the local limits within which the Inspectors appointed by the Government of Rajasthan vide their notification No. F. 5 (35 Lab/60 dated 19th April, 1962 and *vide* Government Notification No. F.5 (35) Lab/60 dated the 5th May, 1962 shall exercise their powers under the said Act.

S No.	Designation	Local Limit within which Inspectors shall exercise their powers.
1	2	3
1.	Regional Asstt. Labour Commissioner, Jaipur.	For Jaipur, Sawaimadhopur, Alwar, Bharatpur Ajmer, Sikar, Jhunjhunu Kota Bundi, Jhalawar and Tonk Districts.
2.	Regional Asstt. Labour Commissioner, Jodhpur.	For Jodhpur, Pali, Sirohi, Barmer Jalore, Jaisalmer, Bikaner, Shriganganagar, Churu, Nagaur, Bhilwara; Chittorgarh, Udaipur, Dungarpur and Banswara Districts.
3.	Labour Officer, Jaipur.	For Jaipur, Sawaimadhopur, Alwar and Bharatpur Districts.
4.	Labour Officer, Ajmer.	For Ajmer, Sikar and Jhunjhunu Districts.
5.	Labour Officer, Jodhpur.	For Jodhpur, Pali, Barmer, Jalore and Jaisalmer Districts.
6.	Labour Officer, Kota.	For Kota, Bundi, Jhalawar and Tonk Districts.
7.	Labour Officer, Bikaner.	For Bikaner, Shriganganagar, Churu and Nagaur Districts.

8. Labour Officer, Bhilwara. For Bhilwara, Chittorgarh, Udaipur, Dungarpur and Banswara Districts.
9. Labour Inspector, Jaipur. Jaipur City.
10. Minimum Wages Inspector, Jaipur. Jaipur District except Jaipur City and Alwar District.
11. Minimum Wages Inspector, Sawai-Madhopur. Sawai-Madhopur and Bharatpur District.
12. Minimum Wages Inspector, Ajmer. Ajmer City.
13. Labour Inspector Beawar. Ajmer District except Ajmer City and Sikar and Jhunjhunu Districts.
14. Labour Inspector, Kota. Kota City.
15. Minimum Wages Inspector, Kota. Kota and Jhalawar Districts except Kota City.
16. Minimum Wages Inspector Bundi. Bundi and Tonk Districts.
17. Labour Inspector, Jodhpur. Jodhpur City.
18. Minimum Wages Inspector, Jodhpur. Jodhpur District except Jodhpur city, Pali, Sirohi, Barmer, Jalore and Jaisalmer Districts.
19. Labour Inspector, Bikaner. Bikaner City.
20. Minimum Wages Inspector, Bikaner. Bikaner District except Bikaner City and Churu and Nagaur Districts.
21. Minimum Wages Inspector, Sriganganagar. Sriganganagar District.
22. Labour Inspector, Bhilwara. Bhilwara City.
23. Minimum Wages Inspector, Bhilwara. Bhilwara City and Chittorgarh Districts.
24. Minimum Wages Inspector, Udaipur. Udaipur, Dungarpur and Banswara Districts.

N. K. JOSHI,

Deputy Labour Commissioner and Chief Inspector under
the Motor Transport Workers Act, 1961.

Notification under

MOTOR TRANSPORT WORKERS' ACT, 1961

Labour & Employment Department

Jaipur, November 24, 1965.

Notification No. F. 9 (1) (55) Lab./63.—In exercise of the powers conferred by sub-section (1) of section 4 of the Motor Transport Workers' Act, 1961 (Central Act 27 of 1961), and in supersession of notifications issued, the State Government hereby appoints the following to be Inspectors for the purposes of the said Act.

S. No.	Designation.
1.	Labour Officer, Bharatpur.
2.	Labour Officer, Ajmer.
3.	Labour Officer, Bikaner.
4.	Labour Officer, Udaipur.
5.	Labour Officer, Bhilwara.
6.	Labour Inspector, Jaipur I.
7.	Labour Inspector, Jaipur II.
8.	Labour Inspector, Tonk.
9.	Labour Inspector, Bharatpur.
10.	Labour Inspector Sawaimadhopur.
11.	Labour Inspector, Alwar.
12.	Labour Inspector, Beawar.
13.	Labour Inspector, Ajmer.
14.	Labour Inspector, Sikar.
15.	Labour Inspector, Jodhpur I.
16.	Labour Inspector, Jodhpur II.
17.	Labour Inspector, Nagaur.
18.	Labour Inspector, Pali.
19.	Labour Inspector, Jalore.
20.	Labour Inspector, Bikaner.
21.	Labour Inspector, Sriganganagar.
22.	Labour Inspector, Kota I.
23.	Labour Inspector, Kota II.
24.	Labour Inspector, Bundi.
25.	Labour Inspector, Jhalawar.
26.	Labour Inspector, Udaipur.
27.	Labour Inspector, Dungarpur.
28.	Labour Inspector, Bhilwara.
29.	Labour Inspector, Chittorgarh.